

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

	No. 05 10416 MEL
MUSKET RESEARCH ASSOCIATES, INC.,)
)
Plaintiff,)
)
v.)
)
OVION, INC., WILLIAM S. TREMULIS, and JEFFREY P. CALLISTER,)
)
Defendants.)
)
OVION, INC.,)
)
Counterclaimant,)
)
v.)
)
MUSKET RESEARCH ASSOCIATES, INC.,)
DAVID B. MUSKET, and)
SUE ANN LATTERMANN,)
)
Counterdefendants.)
)

AFFIDAVIT OF BROOKS A. AMES

I, Brooks A. Ames, depose and say as follows:

1. My name is Brooks A. Ames. I represent the Plaintiff Musket Research Associates, Inc. ("MRA") in the above-captioned matter.
2. Attached hereto as Exhibit A-K are true and accurate copies of the Exhibits referenced in the *Memorandum in Support of Musket Research Associate, Inc.'s Emergency Motion to Quash Ovion Inc.'s Nonparty Subpoenas and for Sanctions*.

Signed under the pains and penalties of perjury this 12th day of January, 2006.

Respectfully submitted,

MUSKET RESEARCH ASSOCIATES, INC.,
DAVID B. MUSKET and
SUE ANN LATTERMANN
By their attorneys,

/s/ Brooks A. Ames

Brooks A. Ames (BBO #641192)
DLA PIPER RUDNICK GRAY CARY US LLP
One International Place, 21st Floor
100 Oliver Street
Boston, MA 02110-2613
(617) 406-6000 (*telephone*)
(617) 406-6100 (*fax*)

Arthur S. Beeman (admitted pro hac vice)
Pamela K. Fulmer (admitted pro hac vice)
DLA PIPER RUDNICK GRAY CARY US LLP
153 Townsend Street, Suite 800
San Francisco, CA 94107
(415) 836-2541 (*telephone*)
(415) 836-2501 (*fax*)

Dated: January 12, 2006

EXHIBIT A

EXHIBIT 1

LAW OFFICES

McANDREWS, HELD & MALLOY, LTD.

34TH FLOOR

GEORGE P. MCANDREWS

JOHN J. HELD

TIMOTHY J. MALLEY

WILLIAM M. WESLEY

LAWRENCE M. JARVIS

GREGORY J. VOGLER

JEAN DUDEK KUELPER

HERBERT D. HART III

ROBERT W. FIESELER

THOMAS J. WIMBISCUS

STEVEN J. HAMPTON

PRISCILLA F. GALLAGHER

STEPHEN F. SHERRY

PATRICK J. ARNOLD JR.

GEORGE F. WHEELER

JANET M. McNICHOLAS

CHRISTOPHER C. WINSLADE

EDWARD A. MAS II

GREGORY C. SCHODDE

EDWARD W. REMUS

DONALD J. POCHOPEN

SHARON A. HWANG

DAVID D. HEADRICK

ALEJANDRO MENCHACA

KIRK A. VANDER LEEST

RICHARD T. MCCAULEY JR.

PETER J. MCANDREWS

LELAND G. HANSEN

JAMES M. HAFTERTEPE

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DEAN A. PELLETIER

MICHAEL B. HARLIN

JAMES R. NUTTALL

ROBERT A. SURRETTE

JOSEPH M. BARICH

SCOTT P. McBRIDE

PATRICIA J. MCGRATH

TROY A. GROETKEN

GERALD C. WILLIS

JOHN A. WIBERG

WILHELM L. RAO

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500 WEST MADISON STREET

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JOSEPH F. HARDING

JOSEPH M. BUTSCHER

SARA J. BARTOS

JOHN L. ABRAMIC

MICHAEL J. FITZPATRICK

DAVID Z. PETTY

MICHAEL T. CRUZ*

MIRUT P. DALAL

CHRISTOPHER N. GEORGE

MATTHEW A. ANDERSON

YUFENG MA

DENNIS H. JASKOVIAK

DEBORAH A. LAUGHTON

WILLIAM B. GONT

DENNIS P. HACKETT

HOPETON S. WALKER

SHAWN L. PETERSON

OGNYAN I. BEREMSKI

PHILIP H. SHERIDAN

CHRISTOPHER R. CARROLL

CHRISTOPHER M. SCHARFF

CONSUELO G. ERWIN

PETER J. PROMMER

MERLE S. ELLIOTT

BRIAN C. BIANCO

PAUL W. MCANDREWS

ANDREW B. KARP

LAURA M. PERSONICK

JONATHAN M. RUSHMAN

JEREMY N. GAYED

CHRISTOPHER J. BUCHKO

LEONARD D. CONAPINSKI

MICHAEL J. KRAUTNER

ADAM J. FAIER

JAMES H. WILLIAMS

SARAH A. KOFFLIN

ALI H. SHAH

PATRICK V. BRADLEY

CHRISTINA F. POLYN

OF COUNSEL

S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 29, 2005

Via U.S Mail

Brooks A. Ames

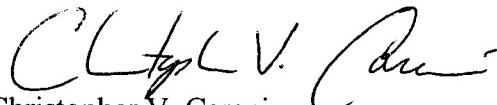
DLA Piper Rudnick Gray Cary US LLP
 One International Place, 21st Floor
 Boston, Massachusetts 02110-2613

Re: *Musket Research Associates, Inc. v. Ovion, Inc., et al.*;
Ovion, Inc. v. Musket Research Associates, Inc., et al.
 Civil Action No. 05 10416 MEL

Dear Brooks:

I have enclosed copies of subpoenas that we are serving upon the parties listed in the attached table. (Table A). I have also enclosed the cover letters associated with each subpoena and a copy of a memorandum which accompanied the cover letters.

Very truly yours,



Christopher V. Carani

Enclosures

TABLE A

Party	Address
Aberdare Ventures	One Embarcadero Center, Suite 4000 San Francisco, CA 94111
Accuitive Medical Ventures	27500 Premiere Parkway, Suite 200 Duluth, GA 30097
Alta Partners	One Embarcadero Center, Suite 4050 San Francisco, CA 94111
AM Pappas & Associates, LLC	Emerging Technologies Center 7030 Kit Creek Road Research Triangle Park, NC 27709
Arboretum Ventures	334 E. Washington Street Ann Arbor, MI 48104
The Aurora Funds, Inc.	2525 Meridian Parkway, Suite 220 Durham, NC 27713
Canaan Partners	2765 Sand Hill Road Menlo Park, CA 94025
CDIB Ventures	3945 Freedom Circle, Suite 270 Santa Clara, CA 95054

Party	Address
Channel Medical Partners	5750 Old Orchard Rd., Suite 310 Skokie, IL 60077
CMEA Ventures	One Embarcadero Center, Suite 3250 San Francisco, CA 94111
Cutlass Capital, LLC	84 State Street, Suite 1040 Boston, MA 02109
Cutlass Capital, LLC	1750 Montgomery Street San Francisco, CA 94025
DeNovo Ventures	1550 El Camino Real, Suite 150 Menlo Park, CA 94025
Domain Associates, LLC	28202 Cabot Road Suite 200 Laguna Niguel, CA 92677
Domain Associates, LLC	One Palmer Square, Suite 515 Princeton, NJ 08542
Draper Fisher Jurvetson ePlanet Ventures	400 Seaport Court, Suite 102 Redwood City, CA 94063
Easton Hunt Capital Partners, L.P.	767 Third Avenue (at 48th Street), 7th Floor New York, NY 10017

Party	Address
Essex Woodlands Health Ventures	435 Tasso Street Suite 305 Palo Alto, CA 94301
Foundation Medical Partners	105 Rowayton Avenue Rowayton, CT 06853
Frazier Healthcare Ventures	601 Union Two Union Square Suite 3200 Seattle, WA 98101
Frazier Healthcare Ventures	550 Hamilton Ave. Suite 100 Palo Alto, CA 94301
InterWest Partners	2710 Sand Hill Road Second Floor Menlo Park, CA 94025
Invesco Private Capital	525 University Avenue, Suite 600 Palo Alto, CA 94301
JP Morgan	50 California Street 29th Floor San Francisco, CA 94111
Latterell Venture Partners	Four Embarcadero Center Suite 2500 San Francisco, CA 94111

Party	Address
MedVenture Associates	5980 Horton Street, Suite 390 Emeryville, CA 94608
Morgenthaler Ventures	2710 Sand Hill Road, Suite 100 Menlo Park, CA 94025
MPM Capital	The John Hancock Tower 2900 Clarendon Street, 54th Floor Boston, MA 02116
MPM Capital	601 Gateway Blvd., Suite 350 South San Francisco, CA 94080
NEA	2490 Sand Hill Road Menlo Park, CA 94025
ONSET Ventures	2400 Sand Hill Road Suite 150 Menlo Park, California 94025
Pequot Ventures	2500 Sand Hill Road Suite 203 Menlo Park, CA 94025
Pequot Ventures	40 William Street, Suite 305 Wellesley, MA 02481

Party	Address
Polaris Venture Partners	1000 Winter Street, Suite 3350 Waltham, MA 02451
Polaris Venture Partners	1000 2nd Ave., Suite 3100 Seattle, WA 98104
POSCO BioVentures	2121 Palomar Airport Rd., Suite 300 Carlsbad, CA 92011
Prism Venture Partners	100 Lowder Brook Drive Suite 2500 Westwood, MA 02090
Prospect Venture Partners	435 Tasso Street, Suite 200 Palo Alto, CA 94301
Radius Ventures, LLC	400 Madison Avenue, 8th Floor New York, NY 10017
Saratoga Ventures, L.P.	210 Almendra Ave. Los Gatos, CA 95030
Skyline Ventures	125 University Avenue Garden Level Palo Alto, CA 94301
Sprout Group	11 Madison Avenue, Floor 13 New York, NY 10010

Party	Address
Sutter Hill Ventures	755 Page Mill Road, Suite A-200 Palo Alto, CA 94304- 1005
SV Investment Partners	540 Madison Avenue, Suite 3100 New York, NY 10022
Thomas Weisel Healthcare Venture Partners, L.P.	One Montgomery Tower One Montgomery Street San Francisco, CA 94104
Thomas, McNerney & Partners	One Market Steuart Tower, Suite 1030 San Francisco, CA 94105
U.S. Venture Partners	2735 Sand Hill Road Menlo Park, CA 94025
Vantage Point Venture Partners	1001 Bayhill Drive, Suite 300 San Bruno, CA 94066
Versant Ventures	3000 Sand Hill Road Bldg. 4, Suite 210 Menlo Park, CA 94025
The Vertical Group	530 Lytton Avenue, Suite 304 Palo Alto, CA 943101
Warburg Pincus LLC	850 Oak Grove Avenue Menlo Park, CA 94025

Party	Address
John F. Harris	140 Fourth Avenue North, Suite 370 Seattle, WA 98109

EXHIBIT 2

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

V.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Aberdare Ventures**
One Embarcadero Center, Suite 4000
San Francisco, CA 94111

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

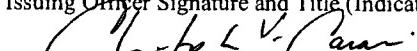
PLACE	DATE AND TIME
One Embarcadero Center, Suite 4000 San Francisco, CA 94111	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



**Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister**

Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

**Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000**

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of Georgia

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

V.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: Accutive Medical Ventures
 27500 Premiere Parkway, Suite 200
 Duluth, GA 30097

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

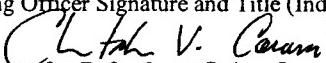
PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE 27500 Premiere Parkway, Suite 200 Duluth, GA 30097	DATE AND TIME January 13, 2006 at 10:00 a.m.
--	---

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)  Attorney for Defendants Ovion, Inc. William S. Tremulis, and Jeffrey P. Callister	Date December 22, 2005
--	--------------------------------------

Issuing Officer=s Name, Address, and Phone Number Christopher V. Carani McAndrews, Held & Malloy 500 West Madison, 34th Floor Chicago, IL 60661 (312) 775-8000
--

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Alta Partners**
One Embarcadero Center, Suite 4050
San Francisco, CA 94111

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
One Embarcadero Center, Suite 4050 San Francisco, CA 94111	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

**Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister**

Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

**Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000**

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court**Middle District of North Carolina****SUBPOENA IN A CIVIL CASE****Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **AM Pappas & Associates, LLC**
Emerging Technologies Center
7030 Kit Creek Road
Research Triangle Park, NC 27709

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

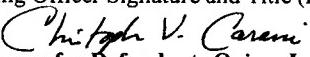
PLACE	DATE AND TIME
Emerging Technologies Center 7030 Kit Creek Road Research Triangle Park, NC 27709	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
Eastern District of Michigan

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Arboretum Ventures**
334 E. Washington Street
Ann Arbor, MI 48104

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
334 E. Washington Street Ann Arbor, MI 48104	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential

research, development, of commercial information, or

- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Middle District of North Carolina

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **The Aurora Funds, Inc.**
2525 Meridian Parkway, Suite 220
Durham, NC 27713

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
2525 Meridian Parkway, Suite 220 Durham, NC 27713	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Canaan Partners**
2765 Sand Hill Road
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
2765 Sand Hill Road Menlo Park, CA 94025	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Date
December 22, 2005

Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **CDIB Ventures**
3945 Freedom Circle, Suite 270
Santa Clara, CA 95054

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

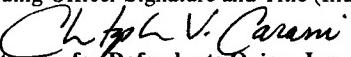
PLACE	DATE AND TIME
3945 Freedom Circle, Suite 270 Santa Clara, CA 95054	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of Illinois

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Channel Medical Partners**
5750 Old Orchard Rd., Suite 310
Skokie, IL 60077

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

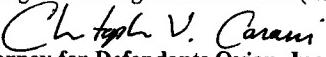
PLACE	DATE AND TIME
5750 Old Orchard Rd., Suite 310 Skokie, IL 60077	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **CMEA Ventures**
One Embarcadero Center, Suite 3250
San Francisco, CA 94111

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

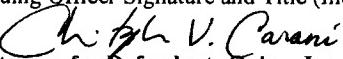
PLACE	DATE AND TIME
One Embarcadero Center, Suite 3250 San Francisco, CA 94111	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. CallisterDate
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
District of Massachusetts

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MELCurrently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Cutlass Capital, LLC**
84 State Street, Suite 1040
Boston, MA 02109

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE 84 State Street, Suite 1040 Boston, MA 02109	DATE AND TIME January 13, 2006 at 10:00 a.m.
--	--

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

V.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Cutlass Capital, LLC**
1750 Montgomery Street
San Francisco, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

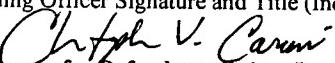
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
1750 Montgomery Street San Francisco, CA 94025	January 13, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

Date
December 22, 2005

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

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Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **De Novo Ventures**
1550 El Camino Real, Suite 150
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
1550 El Camino Real, Suite 150 Menlo Park, CA 94025	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Date

Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Central District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Domain Associates, LLC**
28202 Cabot Road, Suite 200
Laguna Niguel, CA 92677

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

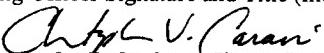
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
28202 Cabot Road, Suite 200 Laguna Niguel, CA 92677	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	
PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
 Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

 Date
December 22, 2005

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
District of New Jersey

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Domain Associates, LLC**
One Palmer Square, Suite 515
Princeton, NJ 08542

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
One Palmer Square, Suite 515 Princeton, NJ 08542	January 13, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Draper Fisher Jurvetson ePlanet Ventures**
400 Seaport Court, Suite 102
Redwood City, CA 94063

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

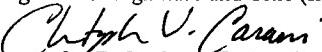
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
400 Seaport Court, Suite 102 Redwood City, CA 94063	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
Premises	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Southern District of New York

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Easton Hunt Capital Partners, L.P.**
767 Third Avenue (at 48th Street), 7th Floor
New York, NY 10017

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
767 Third Avenue (at 48th Street), 7th Floor New York, NY 10017	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Essex Woodlands Health Ventures**
435 Tasso Street, Suite 305
Palo Alto, CA 94301

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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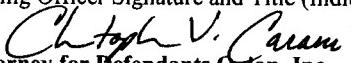
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
435 Tasso Street, Suite 305 Palo Alto, CA 94301	January 13, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or

information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
District of Connecticut

SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Foundation Medical Partners**
105 Rowayton Avenue
Rowayton, CT 06853

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
105 Rowayton Avenue Rowayton, CT 06853	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE****DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER****Rule 45, Federal Rules of Civil Procedure, Parts C & D****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
Western District of Washington

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Frazier Healthcare Ventures**
601 Union
Two Union Square, Suite 3200
Seattle, WA 98101

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

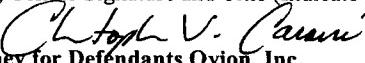
PLACE 601 Union Two Union Square, Suite 3200 Seattle, WA 98101	DATE AND TIME January 13, 2006 at 10:00 a.m.
--	--

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

V.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Frazier Healthcare Ventures**
550 Hamilton Ave., Suite 100
Palo Alto, CA 94301

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
550 Hamilton Ave., Suite 100 Palo Alto, CA 94301	January 13, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer-Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants Ovion, Inc.**William S. Tremulis, and Jeffrey P. Callister**

Date

December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani**McAndrews, Held & Malloy****500 West Madison, 34th Floor****Chicago, IL 60661****(312) 775-8000**

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **InterWest Partners**
2710 Sand Hill Road, Second Floor
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
2710 Sand Hill Road, Second Floor Menlo Park, CA 94025	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
---	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani

McAndrews, Held & Malloy

500 West Madison, 34th Floor

Chicago, IL 60661

(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or

information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **INVESCO Private Capital**
525 University Avenue, Suite 600
Palo Alto, CA 94301

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

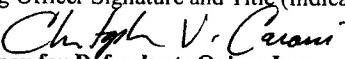
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
525 University Avenue, Suite 600 Palo Alto, CA 94301	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.
PREMISES DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **JP Morgan**
50 California Street, 29th Floor
San Francisco, CA 94111

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
50 California Street, 29th Floor San Francisco, CA 94111	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

*Christopher V. Carani*Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. CallisterDate
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Latterell Venture Partners**
Four Embarcadero Center, Suite 2500
San Francisco, CA 94111

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

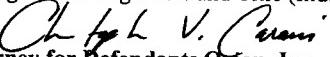
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
Four Embarcadero Center, Suite 2500 San Francisco, CA 94111	January 13, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **MedVenture Associates**
5980 Horton Street, Suite 390
Emeryville, CA 94608

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

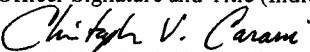
PLACE	DATE AND TIME
5980 Horton Street, Suite 390 Emeryville, CA 94608	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Morgenthaler Ventures**
2710 Sand Hill Road, Suite 100
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
2710 Sand Hill Road, Suite 100 Menlo Park, CA 94025	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Date
December 22, 2005*Christopher V. Carani*
Attorney for Defendants Ovion, Inc.**William S. Tremulis, and Jeffrey P. Callister**

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the
United States District Court
 District of Massachusetts

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MELCurrently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **MPM Capital**
The John Hancock Tower
2900 Clarendon Street, 54th Floor
Boston, MA 02116

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

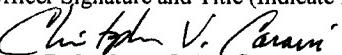
PLACE The John Hancock Tower 2900 Clarendon Street, 54th Floor Boston, MA 02116	DATE AND TIME January 13, 2006 at 10:00 a.m.
---	--

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **MPM Capital**
601 Gateway Blvd., Suite 350
South San Francisco, CA 94080

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

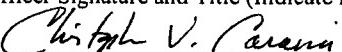
PLACE	DATE AND TIME
601 Gateway Blvd., Suite 350 South San Francisco, CA 94080	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

 Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **NEA**
2490 Sand Hill Road
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
2490 Sand Hill Road Menlo Park, CA 94025	January 13, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **ONSET Ventures**
2400 Sand Hill Road, Suite 150
Menlo Park, California 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
2400 Sand Hill Road, Suite 150 Menlo Park, California 94025	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Pequot Ventures**
2500 Sand Hill Road, Suite 203
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

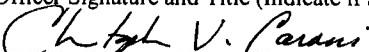
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
2500 Sand Hill Road, Suite 203 Menlo Park, CA 94025	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
Premises	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000
Date
December 22, 2005

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVEDSERVED ON (PRINT NAME)MANNER OF SERVICESERVED BY (PRINT NAME)TITLE**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATESIGNATURE OF SERVERADDRESS OF SERVER**Rule 45, Federal Rules of Civil Procedure, Parts C & D****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

District of Massachusetts

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Pequot Ventures**
40 William Street, Suite 305
Wellesley, MA 02481

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

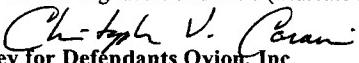
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
40 William Street, Suite 305 Wellesley, MA 02481	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
Premises	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Date
December 22, 2005

Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

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Issued by the

United States District Court
District of Massachusetts

SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Polaris Venture Partners**
1000 Winter Street, Suite 3350
Waltham, MA 02451

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
1000 Winter Street, Suite 3350 Waltham, MA 02451	January 13, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant) <i>Christopher V. Carani</i> Attorney for Defendants Ovion, Inc. William S. Tremulis, and Jeffrey P. Callister	Date December 22, 2005
Issuing Officer=s Name, Address, and Phone Number Christopher V. Carani McAndrews, Held & Malloy 500 West Madison, 34th Floor Chicago, IL 60661 (312) 775-8000	

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

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(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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Issued by the

United States District Court

Western District of Washington

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Polaris Venture Partners**
1000 2nd Ave., Suite 3100
Seattle, WA 98104

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

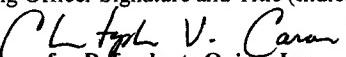
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
1000 2nd Ave., Suite 3100 Seattle, WA 98104	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000
Date
December 22, 2005

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
Southern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **POSCO BioVentures**
2121 Palomar Airport Rd., Suite 300
Carlsbad, CA 92011

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
2121 Palomar Airport Rd., Suite 300 Carlsbad, CA 92011	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant) <i>Christopher V. Carani</i> Attorney for Defendants Ovion, Inc. William S. Tremulis, and Jeffrey P. Callister	Date December 22, 2005
Issuing Officer's Name, Address, and Phone Number Christopher V. Carani McAndrews, Held & Malloy 500 West Madison, 34th Floor Chicago, IL 60661 (312) 775-8000	

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
District of Massachusetts

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MELCurrently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: Prism Venture Partners
 100 Lowder Brook Drive, Suite 2500
 Westwood, MA 02090

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
100 Lowder Brook Drive, Suite 2500 Westwood, MA 02090	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER _____

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MELCurrently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: Prospect Venture Partners
435 Tasso Street, Suite 200
Palo Alto, CA 94301

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
435 Tasso Street, Suite 200 Palo Alto, CA 94301	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant) <i>Christopher V. Carani</i> Attorney for Defendants Ovion, Inc. William S. Tremulis, and Jeffrey P. Callister	Date December 22, 2005
Issuing Officer=s Name, Address, and Phone Number Christopher V. Carani McAndrews, Held & Malloy 500 West Madison, 34th Floor Chicago, IL 60661 (312) 775-8000	

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Southern District of New York

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Radius Ventures, LLC**
400 Madison Avenue, 8th Floor
New York, NY 10017

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
400 Madison Avenue, 8th Floor New York, NY 10017	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
Premises	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: Saratoga Ventures, L.P.
210 Almendra Ave.
Los Gatos, CA 95030

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE 210 Almendra Ave. Los Gatos, CA 95030	DATE AND TIME January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

Date
December 22, 2005

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Skyline Ventures**
125 University Avenue
Garden Level
Palo Alto, CA 94301

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE

DATE AND TIME
January 13, 2006 at 10:00 a.m.

125 University Avenue
Garden Level
Palo Alto, CA 94301

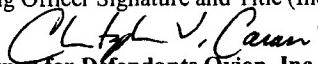
YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



**Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister**

Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court**Southern District of New York****SUBPOENA IN A CIVIL CASE****Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MELCurrently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: Sprout Group
11 Madison Avenue, Floor 13
New York, NY 10010

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

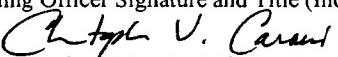
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
11 Madison Avenue, Floor 13 New York, NY 10010	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Date
December 22, 2005

Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Sutter Hill Ventures**
755 Page Mill Road, Suite A-200
Palo Alto, CA 94304-1005

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
755 Page Mill Road, Suite A-200 Palo Alto, CA 94304-1005	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Southern District of New York

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **SV Investment Partners**
540 Madison Avenue, Suite 3100
New York, NY 10022

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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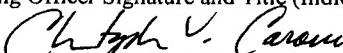
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
540 Madison Avenue, Suite 3100 New York, NY 10022	January 13, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the
United States District Court
 Northern District of California
SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Thomas Weisel Healthcare Venture Partners, L.P.**
One Montgomery Tower
One Montgomery Street
San Francisco, CA 94104

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
One Montgomery Tower One Montgomery Street San Francisco, CA 94104	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Thomas, McNerney & Partners**
One Market
Steuart Tower, Suite 1030
San Francisco, CA 94105

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

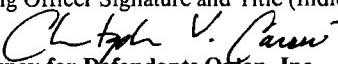
PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
One Market Steuart Tower, Suite 1030 San Francisco, CA 94105	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
Premises	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)  Attorney for Defendants Ovion, Inc. William S. Tremulis, and Jeffrey P. Callister	Date December 22, 2005
--	--------------------------------------

Issuing Officer's Name, Address, and Phone Number Christopher V. Carani McAndrews, Held & Malloy 500 West Madison, 34th Floor Chicago, IL 60661 (312) 775-8000
--

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

V.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: U.S. Venture Partners
2735 Sand Hill Road
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

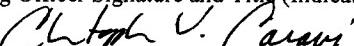
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
2735 Sand Hill Road Menlo Park, CA 94025	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
 Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Vantage Point Venture Partners**
1001 Bayhill Drive, Suite 300
San Bruno, CA 94066

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

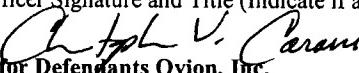
PLACE	DATE AND TIME
1001 Bayhill Drive, Suite 300 San Bruno, CA 94066	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Date
December 22, 2005

Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Versant Ventures**
3000 Sand Hill Road
Bldg. 4, Suite 210
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

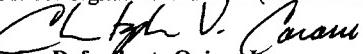
PLACE 3000 Sand Hill Road Bldg. 4, Suite 210 Menlo Park, CA 94025	DATE AND TIME January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



**Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister**

Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

**Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000**

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **The Vertical Group**
530 Lytton Avenue, Suite 304
Palo Alto, CA 94301

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

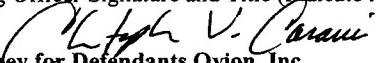
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
530 Lytton Avenue, Suite 304 Palo Alto, CA 94301	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Date
December 22, 2005

Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

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(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Warburg Pincus LLC
850 Oak Grove Avenue
Menlo Park, CA 94025

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
850 Oak Grove Avenue Menlo Park, CA 94025	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. CallisterDate
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Western District of Washington

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **John F. Harris**
140 Fourth Avenue North, Suite 370
Seattle, WA 98109

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
140 Fourth Avenue North, Suite 370 Seattle, WA 98109	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
Premises	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. CallisterDate
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

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DATE

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Rule 45, Federal Rules of Civil Procedure, Parts C & D

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(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts

business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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EXHIBIT 3

LAW OFFICES

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 CHRISTINA F. POLYN

OF COUNSEL

S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Aberdare Ventures
 One Embarcadero Center, Suite 4000
 San Francisco, CA 94111

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

For your information, we have included a copy of *Defendants' Memorandum In Support Of Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things*, which was filed with the Court on December 20, 2005. This document includes some background information about the case.

Sincerely,

Christopher V. Carani

CVC/pw
 Enclosure

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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Accuitive Medical Ventures
 27500 Premiere Parkway, Suite 200
 Duluth, GA 30097

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

For your information, we have included a copy of *Defendants' Memorandum In Support Of Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things*, which was filed with the Court on December 20, 2005. This document includes some background information about the case.

Sincerely,

Christopher V. Carani

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 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Alta Partners
 One Embarcadero Center, Suite 4050
 San Francisco, CA 94111

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

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Sincerely,

Christopher V. Carani

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—
 *ADMITTED TO PRACTICE IN CA

OF COUNSEL
 S. JACK SAUER

December 22, 2005

Via Hand Delivery

AM Pappas & Associates, LLC
 Emerging Technologies Center
 7030 Kit Creek Road
 Research Triangle Park, NC 27709

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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Christopher V. Carani

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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Arboretum Ventures
 334 E. Washington Street
 Ann Arbor, MI 48104

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

For your information, we have included a copy of *Defendants' Memorandum In Support Of Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things*, which was filed with the Court on December 20, 2005. This document includes some background information about the case.

Sincerely,

Christopher V. Carani

CVC/pw
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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Canaan Partners
 2765 Sand Hill Road
 Menlo Park, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

CDIB Ventures
 3945 Freedom Circle, Suite 270
 Santa Clara, CA 95054

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December 22, 2005

Via Hand Delivery

Channel Medical Partners
 5750 Old Orchard Rd., Suite 310
 Skokie, IL 60077

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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December 22, 2005

Via Hand Delivery

CMEA Ventures
 One Embarcadero Center, Suite 3250
 San Francisco, CA 94111

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December 22, 2005

Via Hand Delivery

Cutlass Capital, LLC
 84 State Street, Suite 1040
 Boston, MA 02109

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 CHRISTINA F. POLYN

OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Cutlass Capital, LLC
 1750 Montgomery Street
 San Francisco, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

For your information, we have included a copy of *Defendants' Memorandum In Support Of Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things*, which was filed with the Court on December 20, 2005. This document includes some background information about the case.

Sincerely,

Christopher V. Carani

CVC/pw
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 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

De Novo Ventures
 1550 El Camino Real, Suite 150
 Menlo Park, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Domain Associates, LLC
 28202 Cabot Road, Suite 200
 Laguna Niguel, CA 92677

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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December 22, 2005

Via Hand Delivery

Domain Associates, LLC
 One Palmer Square, Suite 515
 Princeton, NJ 08542

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*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Draper Fisher Jurvetson ePlanet Ventures
 400 Seaport Court, Suite 102
 Redwood City, CA 94063

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
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December 22, 2005

Via Hand Delivery

Easton Hunt Capital Partners, L.P.
 767 Third Avenue (at 48th Street), 7th Floor
 New York, NY 10017

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—
 OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Essex Woodlands Health Ventures
 435 Tasso Street, Suite 305
 Palo Alto, CA 94301

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

For your information, we have included a copy of *Defendants' Memorandum In Support Of Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things*, which was filed with the Court on December 20, 2005. This document includes some background information about the case.

Sincerely,

Christopher V. Carani

CVC/pw
 Enclosure

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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Foundation Medical Partners
 105 Rowayton Avenue
 Rowayton, CT 06853

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

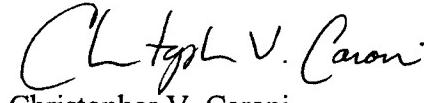
To Whom It May Concern:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

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Sincerely,



Christopher V. Carani

CVC/pw
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 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Frazier Healthcare Ventures
 601 Union
 Two Union Square, Suite 3200
 Seattle, WA 98101

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

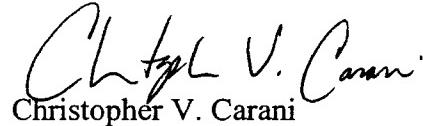
To Whom It May Concern:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

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*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Frazier Healthcare Ventures
 550 Hamilton Ave., Suite 100
 Palo Alto, CA 94301

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

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 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

InterWest Partners
 2710 Sand Hill Road, Second Floor
 Menlo Park, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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December 22, 2005

Via Hand Delivery

INVESTCO Private Capital
 525 University Avenue, Suite 600
 Palo Alto, CA 94301

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—
 OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

JP Morgan
 50 California Street, 29th Floor
 San Francisco, CA 94111

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

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Sincerely,

Christopher V. Carani

CVC/pw
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 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Latterell Venture Partners
 Four Embarcadero Center, Suite 2500
 San Francisco, CA 94111

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
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*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

MedVenture Associates
 5980 Horton Street, Suite 390
 Emeryville, CA 94608

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
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December 22, 2005

Via Hand Delivery

Morgenthaler Ventures
 2710 Sand Hill Road, Suite 100
 Menlo Park, CA 94025

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December 22, 2005

Via Hand Delivery

MPM Capital
 The John Hancock Tower
 2900 Clarendon Street, 54th Floor
 Boston, MA 02116

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 601 Gateway Blvd., Suite 350
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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

NEA
 2490 Sand Hill Road
 Menlo Park, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

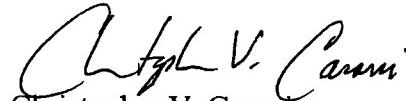
To Whom It May Concern:

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Sincerely,



Christopher V. Carani

CVC/pw
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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

ONSET Ventures
 2400 Sand Hill Road, Suite 150
 Menlo Park, California 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Pequot Ventures
 40 William Street, Suite 305
 Wellesley, MA 02481

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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Via Hand Delivery

Pequot Ventures
 2500 Sand Hill Road, Suite 203
 Menlo Park, CA 94025

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December 22, 2005

Via Hand Delivery

Polaris Venture Partners
 1000 Winter Street, Suite 3350
 Waltham, MA 02451

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
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Polaris Venture Partners
 1000 2nd Ave., Suite 3100
 Seattle, WA 98104

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Via Hand Delivery

POSCO BioVentures
 2121 Palomar Airport Rd., Suite 300
 Carlsbad, CA 92011

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

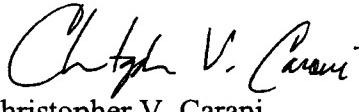
To Whom It May Concern:

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Sincerely,



Christopher V. Carani

CVC/pw
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 —
 OF COUNSEL
 S. JACK SAUER
 *ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Prism Venture Partners
 100 Lowder Brook Drive, Suite 2500
 Westwood, MA 02090

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Prospect Venture Partners
 435 Tasso Street, Suite 200
 Palo Alto, CA 94301

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*ADMITTED TO PRACTICE IN CA

OF COUNSEL
 S. JACK SAUER

December 22, 2005

Via Hand Delivery

Radius Ventures, LLC
 400 Madison Avenue, 8th Floor
 New York, NY 10017

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*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Saratoga Ventures, L.P.
 210 Almendra Ave.
 Los Gatos, CA 95030

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December 22, 2005

Via Hand Delivery

Skyline Ventures
 125 University Avenue
 Garden Level
 Palo Alto, CA 94301

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Via Hand Delivery

Sprout Group
 11 Madison Avenue, Floor 13
 New York, NY 10010

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Sincerely,

Christopher V. Carani

CVC/pw
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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Sutter Hill Ventures
 755 Page Mill Road, Suite A-200
 Palo Alto, CA 94304-1005

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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 S. JACK SAUER
 *ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

SV Investment Partners
 540 Madison Avenue, Suite 3100
 New York, NY 10022

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

The Aurora Funds, Inc.
 2525 Meridian Parkway, Suite 220
 Durham, NC 27713

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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December 22, 2005

Via Hand Delivery

Thomas Weisel Healthcare Venture Partners, L.P.
 One Montgomery Tower
 One Montgomery Street
 San Francisco, CA 94104

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Thomas, McNerney & Partners
 One Market
 Steuart Tower, Suite 1030
 San Francisco, CA 94105

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December 22, 2005

Via Hand Delivery

U.S. Venture Partners
 2735 Sand Hill Road
 Menlo Park, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

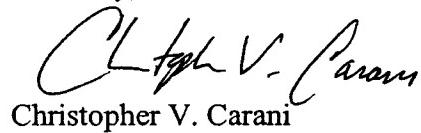
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Sincerely,



Christopher V. Carani

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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Vantage Point Venture Partners
 1001 Bayhill Drive, Suite 300
 San Bruno, CA 94066

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

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 OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA.

December 22, 2005

Via Hand Delivery

Versant Ventures
 3000 Sand Hill Road
 Bldg. 4, Suite 210
 Menlo Park, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

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 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

The Vertical Group
 530 Lytton Avenue, Suite 304
 Palo Alto, CA 94301

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

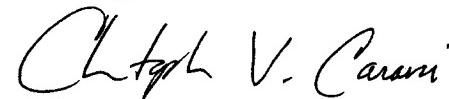
To Whom It May Concern:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

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OF COUNSEL
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^{*}ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

Warburg Pincus LLC
 850 Oak Grove Avenue
 Menlo Park, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

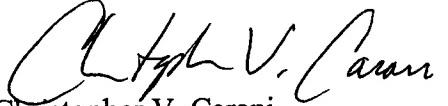
To Whom It May Concern:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

December 22, 2005

Via Hand Delivery

John F. Harris
 140 Fourth Avenue North, Suite 370
 Seattle, WA 98109

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Mr. Harris:

With this letter, you will receive a subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Sincerely,

Christopher V. Carani

CVC/pw
 Enclosure

EXHIBIT 4

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
BOSTON DIVISION

Musket Research Associates, Inc.,

Plaintiff,

v.

Ovion, Inc.,
William S. Tremulis, and
Jeffrey P. Callister,

Defendants.

Case No. 05-10416 MEL

Ovion, Inc.,

Counterclaimant,

v.

Musket Research Associates, Inc.,
David B. Musket, and
Sue Ann Latterman,

Counterdefendants.

**DEFENDANTS' MEMORANDUM IN SUPPORT OF
MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER
INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS**

TABLE OF CONTENTS

I.	INTRODUCTION	1
A.	The Written Agreement Between Ovion And MRA	1
B.	MRA's Performance Was Unsatisfactory, Untimely, And Adverse To Ovion's Interests.....	2
C.	MRA's Present Attempts To Extort Ovion Are Consistent With MRA's Pattern Of Extorting Its Clients By Threatening Litigation Based On Unfounded Claims.....	3
D.	The MRA Parties Have Refused To Provide Discovery Relating To Their Unfounded Claims.....	4
II.	BACKGROUND	4
A.	Pursuant To A Written Engagement Letter, Ovion Retained MRA As A "Nonexclusive Finder/Advisor"	4
1.	Nothing In The Engagement Letter Limits Ovion's Use Of MRA's Work Product.....	5
2.	MRA Agreed That It Would Be Compensated For Its Services Only In The Event Of Certain Contingencies	5
a.	First Form Of Contingent Compensation: A "Finder's Fee".....	6
b.	Second Form Of Contingent Compensation: A "Success Fee".....	6
c.	Third Form Of Contingent Compensation: An "Advisory Fee"	7
B.	MRA's Performance Was Unsatisfactory, Untimely, And Adverse To Ovion's Interests.....	7
C.	Ovion's Merger With And Acquisition By American Medical Systems	8
D.	Pursuant To The Parties' Written Agreement, MRA Is Not Entitled To Any Compensation	9
III.	THE MRA PARTIES SHOULD BE COMPELLED TO ANSWER INTERROGATORIES AND PRODUCE DOCUMENTS AND THINGS	9
A.	The MRA Parties Should Be Compelled To Answer Ovion's Interrogatories And Identify Facts Relating To Alleged Agreements Between The Parties And The Alleged Improper Use Of MRA's "Work Product"	9

1.	The MRA Parties Have Not Properly Answered Ovion's Interrogatory No. 1.....	10
2.	The MRA Parties Have Not Properly Answered Ovion's Interrogatory No. 2.....	11
3.	The MRA Parties Have Refused To Correct The Deficiencies In Their Interrogatory Answers	13
4.	MRA's Reliance On Rule 33(d) Is Misplaced.....	15
B.	The MRA Parties Should Be Compelled To Produce Documents And Things Relating To The Claims, Counterclaims, And Defenses At Issue In The Case	16
1.	The MRA Parties Should Be Compelled To Produce Documents And Things Relating To Provisions In Its Client Contracts Relating To "Advisory Fees" And "Corporate Transactions" (Request Nos. 2-4)	16
2.	The MRA Parties Should Be Compelled To Produce Documents And Things Relating To Its Disputes With And Attempts To Extort Other Clients (Request No. 9).....	18
3.	The MRA Parties Should Be Compelled To Produce Documents Relating To Their Pattern Of Setting Up Their Clients So That MRA And Its Allied Interests Can Invest In MRA's Clients On Terms Unfavorable To The Clients (Request Nos. 16 & 18)	19
C.	The Court Should Disregard The Boilerplate Objections Made By The MRA Parties	19
IV.	CONCLUSION.....	20

I. INTRODUCTION

In this action, the Defendants are Ovion, Inc. (“Ovion”), William S. Tremulis (“Mr. Tremulis”), and Jeffrey P. Callister (“Mr. Callister”) (collectively the “Ovion Parties”). Mr. Tremulis and Mr. Callister founded Ovion in 1996 as a start-up medical device company with a focus on minimally invasive alternatives to surgical sterilization.

The Plaintiff is Musket Research Associates, Inc. (“MRA”). Ovion has counterclaimed against MRA, David B. Musket (“Mr. Musket”), and Sue Ann Latterman (“Ms. Latterman”) (collectively the “MRA Parties”). Mr. Musket is the president and founder of MRA. Ms. Latterman is its principal employee. MRA allegedly operates as a finder/advisor for “emerging healthcare companies” looking for investors. (*See* Ovion Ex. F.)

Pursuant to Rule 37 of the Federal Rules of Civil Procedure, the Ovion Parties have filed herewith a motion to compel the MRA Parties to answer interrogatories and produce documents and things. In summary, the MRA Parties have refused to answer interrogatories and to produce documents and things relating to issues raised by the pleadings in this case. Counsel for the parties met and conferred regarding the deficiencies in the MRA discovery responses. (*See* Ovion Exs. G and H.) For the most part, the MRA Parties refused to correct the deficiencies. Moreover, to the extent that the MRA Parties agreed to supplement their responses, they have failed to follow through as promised.

A. The Written Agreement Between Ovion And MRA

The fundamental issues in this case relate to a written agreement between Ovion and MRA. Specifically, in July, 2004, Ovion retained MRA “as a nonexclusive finder/advisor” on terms set forth in a written agreement (the “Engagement Letter”). (*See* Ovion Ex. A.) MRA agreed to provide certain services. (*Id.*, ¶ 2(a).) Nothing in the Engagement Letter limited how Ovion could use MRA’s work product. MRA agreed that it would be compensated only if

certain contingencies were realized. (*Id.*, ¶ 3.) Outside these contingencies, MRA would receive no compensation, regardless of the services it provided or how its work product was used.

In the Engagement Letter, one of the contingencies expressly contemplated was a merger and acquisition involving a corporate partner. (*Id.*, ¶ 3(d).) If such a merger and acquisition were consummated less than 180 days after the date of the Engagement Letter, then MRA would be entitled to an “Advisory Fee” not to exceed \$225,000. (*Id.*) However, as of the 180th day following the date of the Engagement Letter, MRA was no longer entitled to any Advisory Fee. (*Id.*) Amazingly, although the Engagement Letter expressly contemplates a corporate merger and acquisition, MRA now contends that it somehow was unaware that Ovion might pursue such a transaction.

B. MRA’s Performance Was Unsatisfactory, Untimely, And Adverse To Ovion’s Interests

Before Ovion retained MRA, Ovion was engaged in discussions with a number of potential investors and business partners. Ovion had prepared presentations, budgets, forecasts, and other materials for purposes of these discussions. MRA represented that it would devote substantial resources to this effort and that Ovion should expect positive results within a short time frame. MRA further acknowledged that time was of the essence. MRA also represented that it had extensive experience in the medical device arena. Despite MRA’s representations, its services were untimely and unsatisfactory. In large measure, MRA relied on Ovion and others to perform the services that MRA had agreed to provide in exchange for contingent compensation.

After more than six months (and more than 180 days), Ovion had received no offers, let alone an actual investment, from any of MRA’s supposedly vast network of contacts. Indeed, the only offer that Ovion had received was from US Venture Partners, a venture capital firm with which Ovion had commenced discussions long before retaining MRA. The MRA Parties recommended that Ovion should decline the offer from US Venture Partners. On present

information and belief, it appears that the MRA Parties, by delaying and deterring potential investors in Ovion, were attempting to position Ovion so that the MRA Parties themselves could invest in Ovion on terms favorable to them and their allied interests and unfavorable to Ovion.

C. MRA's Present Attempts To Extort Ovion Are Consistent With MRA's Pattern Of Extorting Its Clients By Threatening Litigation Based On Unfounded Claims

More than 180 days after the date of the Engagement Letter, Ovion executed a letter of intent with American Medical Systems, Inc. ("AMS"), agreeing to negotiate exclusively with AMS toward a possible merger and acquisition. Ovion promptly informed MRA that it had agreed to negotiate exclusively with a potential corporate partner. Ovion also terminated its agreement with MRA. In ~~June~~^{July}, 2005, more than 300 days after the date of the Engagement Letter, Ovion and AMS consummated a merger and acquisition. Pursuant to the terms of the Engagement Letter, MRA is not entitled to any compensation because none of the contingencies contemplated in the Engagement Letter were ever realized.

Nevertheless, MRA began attempting to extort money from Ovion shortly after Ovion informed MRA that Ovion had executed a letter of intent with a potential corporate partner. Specifically, MRA began threatening to sue for compensation to which it is not entitled. This threat had at least three inherent aspects: (1) the expense, distraction, and uncertainty inherent in litigation; (2) the risk that highly confidential information would be publicly disclosed or disclosed to parties such as MRA during the course of litigation; and (3) the specter that litigation would disrupt the ongoing negotiations between Ovion and AMS.

On information and belief, the MRA Parties have used the same strategy to extort other clients. More specifically, after MRA has entered written agreements with its clients that limit MRA's compensation to certain contingencies, the MRA Parties nevertheless have demanded compensation when those contingencies were not realized. To persuade clients to acquiesce to

these unwarranted demands, the MRA Parties have threatened litigation based on unfounded claims.

D. The MRA Parties Have Refused To Provide Discovery Relating To Their Unfounded Claims

MRA initiated the present litigation based on unfounded claims and contentions that contradict the express terms of the Engagement Letter. In preparation for filing a motion for summary judgment against MRA's specious claims, the Ovion Parties have sought discovery relating to MRA's unfounded claims and contentions. As explained in greater detail below, the MRA Parties have refused to provide this discovery. For example, the MRA Parties have refused to identify their alleged work product and their basis for asserting that Ovion improperly used their work product. Likewise, MRA has refused to identify evidence supporting its contention that the parties' written agreement was premised on unwritten "understandings" that contradict the terms of the written agreement. In addition, the MRA Parties have refused to produce evidence relating to their attempts to (a) set up MRA's clients as favorable investments vehicles for the MRA parties and their allied interests and (b) extort their clients, including threats of unfounded litigation. The deficiencies in the discovery responses of the MRA Parties are discussed more fully below.

II. BACKGROUND

A. Pursuant To A Written Engagement Letter, Ovion Retained MRA As A "Nonexclusive Finder/Advisor"

In July, 2004, Ovion retained MRA "as a nonexclusive finder/advisor" on the terms set forth in a written agreement (the "Engagement Letter"). (*See* Ovion Ex. A.) MRA essentially ignores the terms of the Engagement Letter, principally because its contentions contradict the express language of the parties' written agreement.

1. Nothing In The Engagement Letter Limits Ovion's Use Of MRA's Work Product

Contrary to MRA's contentions, nothing in the Engagement Letter limits how Ovion could use MRA's work product. As a nonexclusive finder/advisor, MRA agreed to provide the following services:

MRA shall (i) analyze the financial performance and projections of the Company and provide advice regarding the appropriate valuation range for the new equity capital; (ii) assist in the development of presentation materials for investor solicitations; (iii) contact qualified investors and, if acceptable to you or your representative, send the necessary documents ourselves or through your office . . . ; (iv) after appropriate screening, set up and accompany you to meetings with interested parties as often as scheduling allows; and (v) manage ongoing discussions and coordinate the closings with investors solicited, or caused to be solicited by MRA.

(Ovion Ex. A, Engagement Letter, ¶ 2(a).) Contrary to MRA's representations, the Engagement Letter specifically contemplates a corporate transaction, such as a merger and acquisition. (*Id.*, ¶ 3(d).) Nothing in the Engagement Letter even suggests that Ovion was not at liberty to use MRA's "work product" in conjunction with such a corporate transaction.

2. MRA Agreed That It Would Be Compensated For Its Services Only In The Event Of Certain Contingencies

Regarding compensation, MRA agreed that it would be compensated for its services "as a nonexclusive finder/advisor" by payment of a "Finder's Fee," an "Advisory Fee," or a "Success Fee," but only under limited contingencies as set forth in the parties' written agreement. (Ovion Ex. A, Engagement Letter, ¶¶ 3(a), 3(c)-(d).) Outside of these limited contingencies, the parties' written agreement provided for no compensation to MRA, regardless of the services provided by MRA or how MRA's work product was used. (*Id.*, ¶ 3.)

a. First Form Of Contingent Compensation: A “Finder’s Fee”

Pursuant to the Engagement Letter, the first form of contingent compensation contemplated for MRA’s services was a “Finder’s Fee.” MRA agreed that it would be entitled to a “Finder’s Fee” only in the event of the following contingencies:

- seven percent (7%) of the aggregate cash proceeds received by OVION from . . . “MRA Contacts”
- three percent (3%) of the aggregate cash proceeds received by OVION from . . . “OVION VC Contacts”
- two [percent] (2%) of the aggregate cash proceeds received by OIVON from . . . US Venture Partners.

(Ovion Ex. A, Engagement Letter, ¶ 3(a).) Indeed, the parties’ agreement provided: “MRA shall receive no fees for any entity that is not either an MRA Contact or an Ovion VC Contact.” (*Id.*) Moreover, absent a countersignature from Ovion evidencing its consent, MRA was precluded from adding potential investors to the list of “MRA Contacts.” (*Id.*)

b. Second Form Of Contingent Compensation: A “Success Fee”

Pursuant to the Engagement Letter, the second form of contingent compensation contemplated for MRA’s services was a “Success Fee.” MRA agreed that it would be entitled to a “Success Fee” of no more than \$225,000 (minus any Finder’s Fees) only in the event of the following contingency:

If, during the term of this Agreement, OVION consummates a Placement other than a Placement involving a corporate partner, and the [Finder’s Fees] payable to MRA . . . are less than \$225,000 . . .

(Ovion Ex. A, Engagement Letter, ¶ 3(c).) The “Success Fee” provision expressly expired upon termination of the agreement. (*Id.*)

c. Third Form Of Contingent Compensation: An “Advisory Fee”

Pursuant to the Engagement Letter, the third form of contingent compensation contemplated for MRA’s services was an “Advisory Fee.” MRA further agreed that it would be entitled to an “Advisory Fee” of no more than \$225,000 (minus any Finder’s Fees) in the event of the following contingency:

If, during the term of this Agreement, OVION consummates a merger, acquisition or Placement involving a corporate partner . . . [before] the 180th day following the date [of the Engagement Letter].

(Ovion Ex. A, Engagement Letter, ¶ 3(d).) The “Advisory Fee” provision expressly expired on the earlier of (1) the 180th day following the date of the Engagement Letter or (2) termination of the Agreement. (*Id.*) Accordingly, as of either the 180th day or termination of the Agreement, MRA was no longer entitled to an Advisory Fee for any of its services in the event that Ovion consummated a merger or acquisition involving a corporate partner. (*Id.*, ¶¶ 3(d).)

B. MRA’s Performance Was Unsatisfactory, Untimely, And Adverse To Ovion’s Interests

Before Ovion retained MRA, Ovion was engaged in discussions with a number of potential investors and business partners. Ovion had prepared presentations, budgets, forecasts, and other materials for purposes of these discussions. MRA represented that it would devote substantial resources to this effort. Despite MRA’s representations, its services were untimely and unsatisfactory. In large measure, MRA relied on Ovion and others to perform the services that MRA had agreed to provide in exchange for contingent compensation. After more than six months, Ovion had received no offers from any of the “MRA Contacts.” Indeed, the only offer that Ovion had received was an offer from US Venture Partners (“USVP”), a venture capital firm with which Ovion had commenced discussions long before Ovion retained MRA. MRA recommended that Ovion decline the offer from USVP.

Ovion is now aware that Mr. Musket is a member and the managing director of ProMed Partners, L.P., which holds itself out as a “healthcare investment fund.” (See Ovion Ex. F.) On present information and belief, it appears that the MRA Parties, by delaying and deterring potential investors in Ovion, were attempting to position Ovion so that they and their allied interests could invest in Ovion on terms favorable to them and unfavorable to Ovion. The MRA Parties were privy to Ovion’s cash position and were well aware that, if MRA did not produce positive results in a timely fashion, Ovion’s position would become less and less tenable. On information and belief, the MRA Parties have employed this same tactic with other clients, acting contrary to the clients’ interests while purporting to represent them.

C. Ovion’s Merger With And Acquisition By American Medical Systems

On ~~June 3~~^{July 7}, 2005, Ovion merged with and was acquired by American Medical Systems, Inc. (“AMS”). On February 16, 2005, Ovion had signed a letter of intent, agreeing to negotiate exclusively with AMS. Ovion promptly informed MRA that it had agreed to negotiate exclusively with a potential corporate partner. Ovion also terminated its agreement with MRA.

The MRA Parties admit that they, individually and collectively, did not do any of the following:

- “communicate with AMS on behalf of Ovion”
- “set up any meetings between AMS and Ovion”
- “accompany Ovion or its representatives to any meeting with AMS or its representatives”
- “manage any discussions between Ovion and AMS”
- “coordinate the closing between Ovion and AMS”

(Ovion Ex. E, MRA Responses to Requests to Admit, at 2-3.)

D. Pursuant To The Parties' Written Agreement, MRA Is Not Entitled To Any Compensation

As discussed above, the Engagement Letter provided that MRA would receive compensation for its services only if certain contingencies were realized. None of those contingencies were realized. Accordingly, pursuant to the express terms of the Engagement Letter, MRA is not entitled to any compensation. More specifically, because the contingencies were not realized, MRA is not entitled to a Finder's Fee, or a Success Fee, or an Advisory Fee, which are the only forms of compensation contemplated by the parties' agreement.

III. THE MRA PARTIES SHOULD BE COMPELLED TO ANSWER INTERROGATORIES AND PRODUCE DOCUMENTS AND THINGS

Ovion has served discovery requests asking, *inter alia*, that the MRA Parties (1) identify their alleged work product and their bases for contending that Ovion improperly used their alleged work product; (2) produce documents and things relating to MRA's contentions that, despite the express terms of the Engagement Letter, MRA allegedly was unaware that Ovion might pursue a corporate transaction and might use presentation materials similar to those used with other potential investors; (3) produce documents and things relating to prior instances where MRA has extorted its clients; and (4) produce documents and things relating to prior instances where the MRA parties and their allied interests have invested in MRA clients. As explained in detail below, MRA either has flatly refused to provide the requested discovery or has responded in an inadequate fashion.

A. The MRA Parties Should Be Compelled To Answer Ovion's Interrogatories And Identify Facts Relating To Alleged Agreements Between The Parties And The Alleged Improper Use Of MRA's "Work Product"

As discussed above, the Engagement Letter specifically contemplates a corporate transaction such as a merger and acquisition and does not limit in any way how or when Ovion

could use MRA's services (or "work product") in pursuit of such a corporate transaction.

Nevertheless, MRA asserts the following unfounded allegations:

[T]he provision for the payment of the advisory fee [in the event of a corporate merger and acquisition before the 180th day following the date of the Engagement Letter] was conditioned on the parties' understanding that MRA's work product would not be used as part of any effort by Ovion to solicit corporate partners. * * * [Ovion violated this alleged "understanding" by using] MRA's budgets, forecasts, presentation materials and other work product as an integral part of, and critical support for, its solicitation of corporate partners.

(Docket No. 11, First Am. Compl., ¶¶ 10, 13.) At the time that MRA filed its First Amended Complaint, MRA and its attorneys had an obligation to ensure that these unsupported allegations passed Rule 11 muster.

1. The MRA Parties Have Not Properly Answered Ovion's Interrogatory No. 1

On July 29, 2005, Ovion served the MRA Parties with the following Interrogatory No. 1:

Identify and describe in detail:

- a. all agreements and understandings between any of Ovion, Mr. Tremulis and Mr. Callister on the one hand and any of MRA, Mr. Musket and Ms. Letterman on the other hand;
- b. all documents and things relating to such agreements and understandings; and
- c. all persons with knowledge of such agreements and understandings.

(Ovion Ex. C at 2.)

With respect to part a, the MRA Parties acknowledged the Engagement Letter. (*Id.*) They failed, however, to acknowledge the nondisclosure agreement between Ovion and MRA. (*Id.*; Ovion Ex. B (Nondisclosure Agreement).) When counsel for the parties met and conferred, the MRA Parties agreed to supplement their "response to Interrogatory 1.a to identify the non-disclosure agreement as an agreement between the parties." (Ovion Ex. H, 10/06/05 Carani Letter, at 2.) After more than two months, however, the MRA Parties still have not supplemented their answer to Interrogatory No. 1.

Likewise, Ovion properly requested that the MRA Parties “identify and describe in detail . . . all documents and things relating to [any] agreements and understandings” between the parties. (Ovion Ex. C at 2.) The only documents and things identified by the MRA Parties are the Engagement Letter (Ovion Ex. A) and the Nondisclosure Agreement (Ovion Ex. B). (*Id.* at 3.) These documents refute, not support, the contentions of the MRA Parties. The MRA Parties should be compelled to either (a) identify all documents and things that relate to any alleged agreement or understanding between the parties or (b) acknowledge that no documentary evidence supports their unfounded contentions.

2. The MRA Parties Have Not Properly Answered Ovion’s Interrogatory No. 2

On July 29, 2005, Ovion served the MRA Parties with the following Interrogatory No. 2:

Identify and describe in detail:

- a. all work product produced for or on behalf of Ovion including each person and the contribution of each person who contributed to the work product;
- b. all work product that you contend has been used improperly or without authorization by Ovion and how it was used improperly;
- c. all work product that you contend was used by Ovion in communications or negotiations with AMS or was used by Ovion in relation to the merger between Ovion and AMS;
- d. your bases for contending that any of Ovion, Mr. Tremulis, and Mr. Callister has used your work product improperly or without authorization; and
- e. all persons with knowledge of work product produced for or on behalf of Ovion and all documents and things relating to such work product.

(Ovion Ex. C at 4.)

In response to Ovion’s Interrogatory No. 2, the MRA Parties provided no substantive information, except that “Sue Ann Latterman was the MRA employee primarily involved in developing this work product.” (*Id.*) Otherwise, the entire answer provided by the MRA Parties consisted solely of attorney boilerplate, as explained in greater detail below. (*Id.* at 4-5.)

For example, before Ovion retained MRA, Ovion was engaged in discussions with a number of potential investors and business partners, as discussed above. Ovion had prepared presentations, budgets, forecasts, and other materials for purposes of these discussions. After Ovion retained MRA, MRA in large measure relied on Ovion and others to perform the services that MRA had agreed to provide in exchange for contingent compensation. Now, in response to Ovion's interrogatory requesting that the MRA Parties "identify and describe in detail . . . all work product produced for or on behalf of Ovion including each person and the contribution of each person who contributed to the work product," the MRA Parties provided a non-answer, stating: "MRA prepared budgets, forecasts, plans, due diligence materials, and presentation materials on behalf of Ovion." The MRA Parties utterly failed to identify any specific document or information as MRA's alleged work product.

Similarly, in the First Amended Complaint, MRA alleges that Ovion improperly used "MRA's budgets, forecasts, presentation materials, and other work product as an integral part of, and critical support for, its solicitation of corporate partners." (Docket No. 11, First Am. Compl., ¶ 13.) In view of Rule 11 of the Federal Rules of Civil Procedure, MRA presumably had some basis for making such an allegation. Nevertheless, when Ovion requested that the MRA Parties "identify and describe in detail . . . all work product that you contend has been used improperly or without authorization by Ovion and how it was used improperly" the MRA Parties provided a non-answer, stating: "MRA contends that all of MRA's work product that was used by Ovion to solicit or negotiate with American Medical Systems, Inc. ("AMS") or any other potential corporate partner was used improperly and without authorization." (Ovion Ex. C at 4.) Again, despite MRA's allegations in the complaint, the MRA Parties utterly failed to identify any specific document or information as MRA's work product allegedly used improperly by Ovion.

Similarly, when Ovion requested that the MRA Parties “identify and describe in detail . . . all work product that you contend was used by Ovion in communications or negotiations with AMS or was used by Ovion in relation to the merger between Ovion and AMS,” the MRA Parties provided another non-answer, stating: “Such information is uniquely within the knowledge of Ovion and AMS.” (*Id.* at 5.) And, when Ovion requested that the MRA Parties “identify and describe in detail . . . your bases for contending that any of Ovion, Mr. Tremulis, and Mr. Callister has used your work product improperly or without authorization,” the MRA Parties provide yet another non-answer, stating: “If any work product was used to solicit potential corporate partners, it was done improperly and without authorization.” (*Id.*) Again, the MRA Parties utterly failed to identify either any alleged MRA work product used in communications or negotiations with AMS or any factual basis for contending that MRA work product allegedly was used improperly or without authorization.

3. The MRA Parties Have Refused To Correct The Deficiencies In Their Interrogatory Answers

On September 26, 2005, and again on October 5, 2005, counsel for the parties met and conferred regarding the deficiencies in the answers provided by the MRA Parties to Ovion’s interrogatories. In large measure, the MRA Parties flatly refused to correct the deficiencies. For instance, the MRA Parties expressly stated that they would not identify any work product that was not embodied in a document. (Ovion Ex. G, 10/05/05 Ames Letter, at 1 (“MRA will not attempt to create a log of undocumented work product.”).)

Moreover, to the extent that MRA contends that its work product is embodied in a document, the MRA Parties flatly refuse to identify the person or persons who contributed to the document and to identify their contribution. (*Id.*) As discussed above, Ovion had prepared budgets, forecasts, presentations, and the like long before MRA became involved, and, after MRA was retained, MRA relied in large measure on Ovion and others to perform the services

that MRA had agreed to provide in exchange for contingent compensation. Accordingly, it is not sufficient, for example, for the MRA Parties only to identify documents that allegedly contain MRA's work product. Rather, the MRA Parties should be compelled to identify their specific contribution to the document. In any event, the MRA Parties have not even identified any documents that allegedly contain MRA's work product.

Likewise, although MRA asserted in the First Amended Complaint that Ovion allegedly improperly used "MRA's budgets, forecasts, presentation materials and other work product as an integral part of, and critical support for, its solicitation of corporate partners," nevertheless the MRA Parties refused to identify any such work product, stating that "MRA will do so once it has completed discovery as Ovion and AMS possess the relevant information." (Ovion Ex. G, 10/05/05 Ames Letter, at 2.) To the contrary, the MRA Parties are not entitled to wait until they have completed their discovery to provide discovery to Ovion.

Indeed, before the MRA Parties take discovery from Ovion, the MRA Parties should be required to specifically identify, *inter alia*, (a) their alleged work product, (b) the subpart of their work product that allegedly was used without authorization, and (c) the subpart that allegedly was used with AMS or any other potential corporate partner. The MRA Parties should be required to provide this discovery based on the information available to them when the interrogatory answers were due, regardless of the obligation to supplement based on any additional information that they may later learn. The MRA Parties' bases, or lack thereof, for their allegations in the First Amended Complaint should shed substantial light on the issue of whether the MRA Parties were surprised, as they contend, that Ovion engaged in discussions with potential corporate partners.

Furthermore, the MRA Parties should be required to provide this discovery without access to the confidential information produced by Ovion to date. Otherwise, the MRA Parties

will use Ovion's confidential information as a road map for deciding what to claim as MRA's work product. The same principle applies in a trade secret case.¹

4. MRA's Reliance On Rule 33(d) Is Misplaced

After counsel for the parties met and conferred, the MRA Parties stated: "MRA will identify, by Bates ranges, the documents that contain its work product within 30 days of production." (Ovion Ex. G, 10/05/05 Ames Letter, at 1.) More than 60 days have elapsed, however, since the MRA Parties last produced any documents in this case, and the MRA Parties have not identified a single document as allegedly containing MRA's work product.

Moreover, simply identifying documents by Bates ranges likely will not be sufficient in this instance to answer Ovion's interrogatories. For instance, the MRA Parties have placed their alleged work product at issue in this case and should be required to identify it with specificity as called for by Ovion's Interrogatory No. 2. If, for example, the MRA Parties contend that a document contains MRA work product, then the MRA Parties should be compelled to identify their specific contribution to the document, separate from Ovion's contribution and the contribution of others.

Identifying documents under Rule 33(d) is sufficient only where "the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served." Fed. R. Civ. P. 33(d); *see also* L.R. 33.1. Here, the MRA Parties, not Ovion,

¹ See, e.g., *Staffbridge, Inc. v. Gary D. Nelson Assoc.*, No. 02-4912, 2004 Mass. Super. LEXIS 215, at *10 (Super. Ct. Mass. June 11, 2004) (attached as Ovion Ex. I) ("[Discovery] cannot be at the risk of the defendants' entitlement to know with precision what is claimed as a trade secret before any discovery of the defendants' allegedly infringing materials."); *AutoMed Techs., Inc. v. Eller*, 160 F. Supp.2d 915, 926 (N.D. Ill. 2001) ("[P]laintiff will normally be required first to identify with reasonable particularity the matter which it claims constitutes a trade secret, before it will be allowed (given a proper showing of need) to compel discovery of its adversary's trade secrets. . . . It is not enough to claim that defendants will be able to learn the details through discovery. Plaintiff must provide them now so we can evaluate the relevance of plaintiff's discovery and address any objections.").

should be required to identify the documents, things, and information that MRA contends is its work product. Ovion should not be burdened with attempting to ascertain what MRA will contend is its work product.

As discussed above, the MRA Parties did not contribute much, relying instead on Ovion and others to perform the services that MRA had agreed to perform. To the extent that the MRA Parties contend otherwise, they should be compelled to specifically identify their alleged work product. The MRA Parties cannot adequately answer Ovion's interrogatory by doing nothing more than pointing to a document or a group of documents and then asserting that MRA's work product is in there somewhere. To date, the MRA Parties have not done even that much.

B. The MRA Parties Should Be Compelled To Produce Documents And Things Relating To The Claims, Counterclaims, And Defenses At Issue In The Case

1. The MRA Parties Should Be Compelled To Produce Documents And Things Relating To Provisions In Its Client Contracts Relating To "Advisory Fees" And "Corporate Transactions" (Request Nos. 2-4)

As discussed above, the agreement between Ovion and MRA as set forth in the Engagement Letter specifically contemplated that MRA could receive an "Advisory Fee" in the event of a corporate merger or acquisition before the 180th day following the date of the Engagement Letter. (*See* Ovion Ex. A, Engagement Letter, ¶ 3(d).) Nevertheless, MRA contends that it was somehow misled about the likelihood of a merger or acquisition.

Ovion believes that discovery relating to MRA's contracts with its other clients will refute MRA's contentions. For example, an engagement letter for another MRA client ("Somnus") is attached as Exhibit J. Unlike the Ovion Engagement Letter, the Somnus engagement letter does not contain a provision for an advisory fee. (Ovion Ex. J.) Likewise, the Somnus engagement letter does not expressly contemplate a corporate merger or acquisition. (*Id.*) These facts beg a question:

In view of MRA's allegations that MRA was unaware that a merger and acquisition was a distinct possibility, why did MRA include a "corporate transaction" provision in the Ovion Engagement Letter that contemplated exactly such an event, particularly where MRA has not included such a provision in some agreements with other clients?

On the other hand, on information and belief, MRA does include a "corporate transaction" or "advisory fee" provision in its client contracts under certain circumstances, e.g., when MRA is aware that a merger and acquisition is a distinct likelihood. For these reasons, Ovion believes that discovery relating to MRA's agreements with other clients (1) will refute MRA's allegations in this case and (2) will lay bare the extent to which MRA's claims are utterly unfounded and extortive in nature. These issues are central to the claims, counterclaims, and defenses in this action.

To this end, Ovion propounded the following document requests:

[Request No. 2.] Produce all documents and things relating to any and all agreements, contracts, or engagement letters with a provision for an advisory fee payable to any of MRA, Musket, and Latterman.

[Request No. 3.] Produce all documents and things relating to any and all agreements, contracts, and engagement letters, from January 2000 to the present, whereby any of MRA, Musket, and Latterman was engaged, retained, or hired in connection with any proposed private placement of stock or any other financing effort.

[Request No. 4.] Produce documents and things relating to any and all agreements, contracts, or engagement letters whereby any of MRA, Musket, and Latterman was engaged, retained, or hired in connection with any proposed placement, merger, acquisition or other financing effort involving a corporate partner.

(Ovion Ex. D at 2-3.) The MRA Parties flatly refused to produce any of the requested documents and things, asserting boilerplate objections. (*Id.*) As counsel for the parties met and conferred, the MRA Parties maintained their outright refusal to produce the requested documents and things. (Ovion Ex. G, 10/05/05 Ames Letter, at 2; Ovion Ex. H, 10/06/06 Carani Letter, at 2.) The MRA Parties should be compelled to fully comply with Ovion's requests for production.

2. The MRA Parties Should Be Compelled To Produce Documents And Things Relating To Its Disputes With And Attempts To Extort Other Clients (Request No. 9)

As discussed above, Ovion believes, on information and belief, that the MRA Parties have an established pattern of extorting their clients. Specifically, after agreeing that MRA's compensation will depend on the realization of certain contingencies, the MRA Parties use the threat of litigation to extort money from their clients when the contingencies are not realized. On information and belief, the MRA Parties have used this tactic to secure funds from clients that simply have opted to pay MRA rather than pay legal fees to litigate.

Ovion propounded the following request for production:

[Request No. 9.] Produce all documents and things related to any and all disputes regarding agreements, contracts, or engagement letters relating to services provided by any of MRA, Musket, and Latterman.

(Ovion Ex. D at 5.) The MRA Parties flatly refused to produce any of the requested documents and things, asserting boilerplate objections. (*Id.*) As counsel for the parties met and conferred, the MRA Parties maintained their outright refusal to produce the requested documents and things. (Ovion Ex. G, 10/05/05 Ames Letter, at 2; Ovion Ex. H, 10/06/06 Carani Letter, at 2.)

As Ovion explained to the MRA Parties, Ovion believes that this discovery:

(1) will contradict [MRA's] contentions regarding (a) the engagement letter, (b) other alleged understandings between the parties, (c) standard industry practice and (d) [MRA's] knowledge that Ovion was pursuing corporate transactions; and (2) will establish [MRA's] pattern of using litigation, or the threat of litigation, to extort money from [its] clients when [MRA has] failed to secure financing for [its] clients who find financing through other means.

(Ovion Ex. H, 10/06/05 Carani Letter, at 2.)

3. The MRA Parties Should Be Compelled To Produce Documents Relating To Their Pattern Of Setting Up Their Clients So That MRA And Its Allied Interests Can Invest In MRA's Clients On Terms Unfavorable To The Clients (Request Nos. 16 & 18)

As discussed above, it appears that the MRA Parties, by delaying and deterring potential investors in Ovion, were attempting to position Ovion so that the MRA Parties themselves could invest in Ovion on terms favorable to them and their allied interests (such as ProMed) and unfavorable to Ovion. On information and belief, the MRA Parties have an established pattern of such conduct.

Ovion propounded the following requests for production:

[Request No. 16.] Produce all documents and things relating to any and all transactions involving ProMed and any party represented, engaged, retained, or hired by any of MRA, Musket, and Latterman.

[Request No. 18.] Produce all documents and things relating to any transactions involving both MRA and ProMed.

(Ovion Ex. D at 7.) The MRA Parties flatly refused to produce any of the requested documents and things, asserting boilerplate objections. (*Id.*) As counsel for the parties met and conferred, the MRA Parties maintained their outright refusal to produce the requested documents and things. (Ovion Ex. G, 10/05/05 Ames Letter, at 2; Ovion Ex. H, 10/06/06 Carani Letter, at 2.)

C. The Court Should Disregard The Boilerplate Objections Made By The MRA Parties

In large measure, the MRA Parties have objected to Ovion's discovery requests with attorney boilerplate. (*See* Ovion Exs. C & D.) Ovion's counsel addressed this issue with counsel for the MRA Parties, stating for example:

Your clients have objected to certain interrogatories and document requests on the grounds that providing responsive information would be unduly burdensome. As we previously explained during our telephone conference on September 26, 2005, and again during our telephone conference yesterday, we are willing to consider such concerns if you will provide specific reasons as to why gathering, searching

for or providing such information would be unduly burdensome. We are not satisfied by your boilerplate objections in this regard.

(Ovion Ex. H, 10/06/05 Carani Letter, at 1.) Ovion's counsel also stated that, if the MRA Parties would provide specific reasons behind their boilerplate objections, Ovion would consider limiting the scope of MRA's initial response to certain discovery requests. (*Id.* at 2-3.) The MRA Parties have never responded. The Court should disregard the boilerplate objections made by the MRA Parties.

IV. CONCLUSION

For all the foregoing reasons, the Court should grant *Defendants' Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things*, submitted herewith. A [*Proposed*] *Order Granting Defendants' Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things* is attached as Exhibit 1 to Defendants' motion.

Respectfully submitted,

Dated: December 16, 2005

By 
Leland G. Hansen
Christopher V. Carani
McANDREWS, HELD & MALLOY, LTD.
500 W. Madison Street, 34th Floor
Chicago, Illinois 60661
(312) 775-8000 (telephone)
(312) 775-8100 (facsimile)

*Attorneys for Defendant and Counterclaimant
Ovion, Inc. and Defendants William S. Tremulis
and Jeffrey P. Callister.*

Certificate of Service

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail on December 16, 2005.

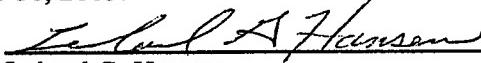

Leland G. Hansen

EXHIBIT B

EXHIBIT 1

Ames, Brooks A.

From: ccarani@mhmlaw.com
Sent: Tuesday, January 03, 2006 4:13 PM
To: Ames, Brooks A.
Subject: RE: Schedule A

Brooks,

Attached please find the following:

- 1) Schedule A to John Harris subpoena
- 2) Schedule A which accompanied all other subpoenas.

Regards, Chris

Christopher V. Carani
McAndrews, Held & Malloy, Ltd.
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
Tel: (312) 775-8000
Fax: (312) 775-8100
www.mhmlaw.com

From: brooks.ames@dlapiper.com [mailto:brooks.ames@dlapiper.com]
Sent: Tuesday, January 03, 2006 11:28 AM
To: Chris Carani
Subject: Schedule A

Chris,

Please forward a copy of the schedule A's that accompanied the third-party subpoenas Ovion served without notice to MRA on December 22, 2005.

Regards,

Brooks

DLA Piper Rudnick Gray Cary US LLP
One International Place, 21st Floor
Boston, Massachusetts 02110-2613
(617) 406-6045 (telephone)
(617) 406-6145 (facsimile)

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Thank you.

CONFIDENTIALITY NOTICE:

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EXHIBIT 2

SCHEDULE A

Definitions

As used herein:

- A. The term "Ovion" means Ovion, Inc..
- B. The term "Mr. Tremulis" means William S. Tremulis, an individual.
- C. The term "Mr. Callister" means Jeffrey P. Callister, an individual.
- D. The term "MRA" means Musket Research Associates, Inc., and any related foreign or U.S. companies, divisions, or subsidiaries, past or present, and each predecessor business entity, whether incorporated or not, and the directors, officers, employees, agents, or attorneys thereof.
- E. The term "Mr. Musket" or "Musket" means David B. Musket, an individual.
- F. The term "Ms. Latterman" or "Latterman" means Sue Ann Latterman, an individual.
- G. The term "Mr. Harris" or "Harris" means John F. Harris, an individual.
- H. The term "AMS" means American Medical Systems, Inc., and any related foreign or U.S. companies, divisions, or subsidiaries, past or present, and each predecessor business entity, whether incorporated or not, and the directors, officers, employees, agents, or attorneys thereof.
- I. The term "ProMed" means ProMed Partners, L.P., ProMed Partners II, L.P., ProMed Offshore Fund, Ltd., ProMed Management, Inc., ProMed Asset Management, L.L.C., and any related foreign or U.S. companies, divisions, or subsidiaries, past or present, and each predecessor business entity, whether incorporated or not, and the directors, officers, employees, agents, or attorneys thereof.
- J. The term "DBM" means DBM Corporate Consulting, Ltd., and any related foreign or U.S. companies, divisions, or subsidiaries, past or present, and each predecessor

business entity, whether incorporated or not, and the directors, officers, employees, agents, or attorneys thereof.

K. The terms, "document," "documents," or "documents and things," means documents and things as broadly defined in Rule 34 of the Federal Rules of Civil Procedure, and includes papers of all kinds and non-paper information storage means, including by way of example and without limitation, originals and copies, however made, of letters, memoranda, notes, computer generated data, calendars, records, minutes, studies, reports, notebooks, messages, telegrams, ledgers, legal instruments, agreements, drawings, sketches, graphs, prints, hand-written notes, rough drafts, secretarial notes, work pads, diaries, films, tapes, videotapes, pictures, photographs, books, pamphlets, publications, advertisements, sales literature, brochures, manuals, price lists, announcements, electronic mail messages, or any other writings, records, or tangible objects produced or reproduced mechanically, electrically, electronically, photographically, or chemically. A draft or non-identical copy is a separate document within the meaning on this term.

L. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including any oral or written utterance, notation, or statement of any nature whatsoever, specifically including but not limited to letters, personal or telephonic conversations, discussions, interviews, or consultations; any type of telegraphic, telecommunicated, or telecopied message; any type of electronically received, transmitted, or stored message, note, letter, memorandum, or correspondence; and any writing that evidences or reflects any such communication.

M. The term "person" means any natural person or any business, legal, or governmental entity or association, and the acts and knowledge of a "person" as used herein are defined to include acts and knowledge of directors, officers, employees, agents, representatives, and attorneys acting on behalf of such "person."

N. The connectives "and," "or," and "and/or" shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

O. The word "each" as used herein includes the word "every," and the word "every" as used herein includes the word "each," as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

P. The word "any" as used herein includes the word "all," and the word "all" as used herein includes the word "any," as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

Q. The term "all" shall be construed to include the term "each," and "each" shall be construed to include the term "all," as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

R. The use of the singular form of any word includes the plural and vice-versa, as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

S. The term "concerning" means referring to, relating to, describing, evidencing, or constituting.

Documents And Things To Be Produced

1. Produce all documents and things concerning any and all of the following: Ovion Inc., William S. Tremulis ("Steve Tremulis"), and Jeffrey P. Callister ("Jeff Callister").

2. Produce all documents and things concerning any and all of the following: Musket Research Associates, Inc. ("MRA"), David B. Musket ("David Musket"), and Sue Ann Latterman.

3. Produce all documents and things concerning American Medical Systems, Inc. (“AMS”).
4. Produce all documents and things concerning any and all of the following: ProMed, DBM, and DBM Corporate Consulting, Ltd..
5. Produce all documents and things concerning any and all of the following: Conceptus, Inc. and Adiana, Inc.
6. Produce all documents and things concerning the collection, retention, or destruction of any documents or things within the scope of categories 1-5 herein.

EXHIBIT 3

SCHEDULE A

Definitions

As used herein:

- A. The term "Ovion" means Ovion, Inc..
- B. The term "Mr. Tremulis" means William S. Tremulis, an individual.
- C. The term "Mr. Callister" means Jeffrey P. Callister, an individual.
- D. The term "MRA" means Musket Research Associates, Inc., and any related foreign or U.S. companies, divisions, or subsidiaries, past or present, and each predecessor business entity, whether incorporated or not, and the directors, officers, employees, agents, or attorneys thereof.
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- F. The term "Ms. Latterman" or "Latterman" means Sue Ann Latterman, an individual.
- G. The term "Mr. Harris" or "Harris" means John F. Harris, an individual.
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business entity, whether incorporated or not, and the directors, officers, employees, agents, or attorneys thereof.

K. The terms, "document," "documents," or "documents and things," means documents and things as broadly defined in Rule 34 of the Federal Rules of Civil Procedure, and includes papers of all kinds and non-paper information storage means, including by way of example and without limitation, originals and copies, however made, of letters, memoranda, notes, computer generated data, calendars, records, minutes, studies, reports, notebooks, messages, telegrams, ledgers, legal instruments, agreements, drawings, sketches, graphs, prints, hand-written notes, rough drafts, secretarial notes, work pads, diaries, films, tapes, videotapes, pictures, photographs, books, pamphlets, publications, advertisements, sales literature, brochures, manuals, price lists, announcements, electronic mail messages, or any other writings, records, or tangible objects produced or reproduced mechanically, electrically, electronically, photographically, or chemically. A draft or non-identical copy is a separate document within the meaning on this term.

L. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including any oral or written utterance, notation, or statement of any nature whatsoever, specifically including but not limited to letters, personal or telephonic conversations, discussions, interviews, or consultations; any type of telegraphic, telecommunicated, or telecopied message; any type of electronically received, transmitted, or stored message, note, letter, memorandum, or correspondence; and any writing that evidences or reflects any such communication.

M. The term "person" means any natural person or any business, legal, or governmental entity or association, and the acts and knowledge of a "person" as used herein are defined to include acts and knowledge of directors, officers, employees, agents, representatives, and attorneys acting on behalf of such "person."

N. The connectives "and," "or," and "and/or" shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

O. The word "each" as used herein includes the word "every," and the word "every" as used herein includes the word "each," as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

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R. The use of the singular form of any word includes the plural and vice-versa, as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

S. The term "concerning" means referring to, relating to, describing, evidencing, or constituting.

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2. Produce all documents and things concerning any and all of the following: Musket Research Associates, Inc. ("MRA"), David B. Musket ("David Musket"), and Sue Ann Latterman.

3. Produce all documents and things concerning John Harris.

4. Produce all documents and things concerning American Medical Systems, Inc. (“AMS”).
5. Produce all documents and things concerning any and all of the following: ProMed, DBM, and DBM Corporate Consulting, Ltd..
6. Produce all documents and things concerning any and all of the following: Conceptus, Inc. and Adiana, Inc.
7. Produce all documents and things concerning the collection, retention, or destruction of any documents or things within the scope of categories 1-6 herein.

EXHIBIT C



DLA Piper Rudnick Gray Cary US LLP
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F 617.406.6100
W www.dlapiper.com

BROOKS A. AMES
brooks.ames@dlapiper.com
T 617.406.6045 F 617.406.6145

January 5, 2006

VIA E-MAIL (lhansen@mhma.com) (ccarami@mhma.com)
AND FIRST-CLASS MAIL

Leland G. Hansen, Esq.
Christopher V. Carani, Esq.
McAndrews, Held & Malloy, Ltd.
500 W. Madison Street, 34th Floor
Chicago, IL 60661

Re: *Musket Research Associates, Inc. v. Ovion, Inc., et al.*
Ovion, Inc. v. Musket Research Associates, Inc., et al.
Civil Action No. 05 10416 MEL

Dear Messrs. Hansen and Carani:

On January 3, 2006, this office received for the first time a cover letter from Mr. Carani, which forwarded 52 subpoenas that Ovion had improperly served on December 22, 2005. These subpoenas were served on 52 venture firms across the country without prior notice to MRA and in violation of Federal Rule of Civil Procedure 45(b)(1). The subpoenas are overbroad, seek irrelevant information, and impose an undue burden on 52 non-party venture firms. In addition, Mr. Carani, as an officer of the court, arranged for service of these subpoenas and gratuitously attached to each, a memorandum accusing MRA of engaging in criminal conduct. These actions were intentionally designed to harm MRA's professional reputation and its relationships in the venture community, and appear to be calculated to improperly pressure MRA to drop its lawsuit. Ovion, and its counsel's actions, violate the Federal Rules of Civil Procedure, the rules of professional conduct, are patently unethical and constitute a flagrant abuse of legal process. This letter is to notify you that MRA will not tolerate these abusive, harassing, and unethical tactics, and will seek all appropriate relief from the Court, including filing an emergency motion to quash and moving to amend its Complaint to assert additional claims against Ovion and its counsel.

MRA hereby demands that Ovion immediately withdraw the 52 subpoenas served on December 22, 2005 in clear violation of Rule 45(b)(1) of the Federal Rules of Civil Procedure. As you well know, that rule required Ovion to provide MRA with "prior notice" of the commanded production of documents. The federal courts have repeatedly held that violation of

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358547-1

**DLA PIPER RUDNICK
GRAYCARY**

Leland G. Hansen, Esq.
Christopher V. Carani, Esq.
January 5, 2006
Page 2

this rule warrants both quashing the *ex parte* subpoenas and sanctioning the attorneys involved in issuing them. *See, e.g., Firefighter's Institute for Racial Equality ex rel. Anderson v. City of St. Louis*, 220 F.3d 898 (8th Cir. 2000); *Butler v. Biocore Medical Technologies*, 348 F.3d 1163 (10th Cir. 2003).

MRA also objects to the subpoenas on the basis that they are overbroad, request irrelevant information, and seek to impose undue burdens on third parties. Given the timing of the subpoenas that were served over the holidays, and without prior notice to MRA, MRA also objects that the production date set forth in each subpoena is unreasonable and should be extended until after MRA's motion to quash is heard and decided.

By itself, Ovion's effort to conduct discovery behind MRA's back is sanctionable. But Ovion's misconduct goes beyond even the egregious Rule 45 violation. Ovion has abused the subpoena power by using the court's authority to publish baseless accusations of criminal conduct against MRA.

- Ovion published the criminal charge of extortion against MRA to the venture firms that form the lifeblood of MRA's business with the clear intent of damaging MRA's reputation within the venture community.
- Ovion published the memorandum in violation of its express agreement to treat all materials exchanged in the litigation as "attorney's eyes only" pending the entry of a protective order.
- Ovion published this for no legitimate purpose related to the litigation.

MRA hereby puts Ovion on notice that it intends to move to amend its complaint to add claims based on the above-described conduct. In addition, MRA intends to seek emergency relief from the Court for Ovion and its counsel's abuse of process and flagrant violations of law. MRA demands that Ovion immediately take steps to withdraw the improper subpoenas and to mitigate the damages caused to MRA by this inappropriate course of conduct.

Sincerely,



Brooks A. Ames

BAA/lnf

EXHIBIT D

LAW OFFICES

McANDREWS, HELD & MALLOY, LTD.

34TH FLOOR

GEORGE P. MCANDREWS
 JOHN J. HELD
 TIMOTHY J. MALLOY
 WILLIAM M. WESLEY
 LAWRENCE M. JARVIS
 GREGORY J. VOGLER
 JEAN DUDEK KUEPPLER
 HERBERT D. HART III
 ROBERT W. FIESELER
 THOMAS J. WIMBISCUS
 STEVEN J. HAMPTON
 PRISCILLA F. GALLAGHER
 STEPHEN F. SHERRY
 PATRICK J. ARNOLD JR.
 GEORGE F. WHEELER
 JANET M. McNICHOLAS
 CHRISTOPHER C. WINSLADE
 EDWARD A. MAS II
 GREGORY C. SCHODDE
 EDWARD W. REMUS
 DONALD J. POCHOPEN
 SHARON A. HWANG
 DAVID D. HEADRICK
 ALEJANDRO MENCHACA

KIRK A. VANDER LEEST
 RICHARD T. McCALLULEY JR.
 PETER J. MCANDREWS
 LELAND G. HANSEN
 JAMES M. HAUPERTEPE
 JONATHAN R. SICK
 ELIGIO C. PIMENTEL
 JAMES P. MURPHY
 DEAN A. PELLETIER
 MICHAEL B. HARLIN
 JAMES R. NUTTALL
 ROBERT A. SURRETTE
 JOSEPH M. BARICH
 SCOTT P. McBRIDE
 PATRICIA J. MCGRATH
 TROY A. GROETKEN
 GERALD C. WILLIS
 JOHN A. WIBERG
 WILHELM L. RAO
 SANDRA A. FRANTZEN
 RONALD H. SPUHLER
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 RONALD A. DICERBO
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500 WEST MADISON STREET
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JOSEPH F. HARDING
 JOSEPH M. BUTSCHER
 SARA J. BARTOS
 JOHN L. ABRAHIC
 MICHAEL J. FITZPATRICK
 DAVID Z. PETTY
 MICHAEL T. CRUZ^{*}
 MIRUT P. DALAL
 CHRISTOPHER N. GEORGE
 MATTHEW A. ANDERSON
 YUFENG MA
 DENNIS H. JASKOVIAK
 DEBORAH A. LAUGHTON
 WILLIAM B. GONT
 DENNIS P. HACKETT
 HOPETON S. WALKER
 SHAWN L. PETERSON
 OGNYAN I. BEREMSKI
 PHILIP H. SHERIDAN
 CHRISTOPHER R. CARROLL
 CHRISTOPHER M. SCHARFF
 CONSUELO G. ERWIN
 PETER J. PROMMER

MERLE S. ELLIOTT
 BRIAN C. BIANCO
 PAUL W. MCANDREWS
 ANDREW B. KARP
 LAURA M. PERSONICK
 JONATHAN M. RUSHMAN
 JEREMY N. GAYED
 CHRISTOPHER J. BUCHKO
 LEONARD D. CONAPINSKI
 MICHAEL J. KRAUTNER
 ADAM J. FAIER
 JAMES H. WILLIAMS
 SARAH A. KOFFLIN
 ALI H. SHAH
 PATRICK V. BRADLEY
 CHRISTINA F. POLYN

OF COUNSEL

S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 5, 2006

Via Email and U.S Mail

Brooks A. Ames
 DLA Piper Rudnick Gray Cary US LLP
 One International Place, 21st Floor
 Boston, Massachusetts 02110-2613

Re: *Musket Research Associates, Inc. v. Ovion, Inc., et al.*;
Ovion, Inc. v. Musket Research Associates, Inc., et al.
 Civil Action No. 05 10416 MEL

Dear Brooks:

I am writing in response to your letter of today's date.

First, your letter is replete with rash, unfounded accusations, including accusations directed against us in our professional capacities. If you follow through with the threats in your letter, you will do so in violation of your Rule 11 obligations. Leland and I were out of the office on Monday, but we both have been in the office the rest of this week. You have made no attempt to call us to discuss your concerns before sending your letter at the close of business today.

Second, the subpoenas issued by our office are proper. Each subpoena is directed to an individual or organization that, according to MRA, was contacted by MRA on behalf of Ovion. The subpoenas are reasonable in scope and seek the production of documents and things relevant to this litigation. You provide no basis or explanation for your assertions to the contrary. We are prepared to take reasonable steps to avoid imposing undue burden or expense on the subpoenaed parties or your clients with regard to the subpoenas. Please call to discuss any accommodations that you feel are necessary. We do not believe that your clients have standing to move to quash the subpoenas.

Third, contrary to your assertions, none of the subpoenas were served on the subpoenaed parties on December 22. Regarding prior notice, we intended to serve you with copies of the

McANDREWS, HELD & MALLOY, LTD.

Brooks A. Ames
January 5, 2006
Page 2

subpoenas before any of them were served on the subpoenaed parties. Due to an oversight, you were served on December 29, which is more than two weeks before the date for compliance with the subpoenas. In any event, based on our present information, only two of the subpoenas were served on the subpoenaed parties before you were served on December 29. One party was served on December 27 and a second party was served on December 28. At this point, we do not know which parties were served on December 27 and 28. We are waiting for further information from the process server. We did not discuss the subpoenas with any of the subpoenaed parties until after December 29.¹ We apologize that two of the subpoenas were served on the subpoenaed parties before they were served on you. Neither you nor your client has suffered any prejudice as a result of this inadvertent error.

Fourth, on December 29, we also served you with copies of the cover letters and enclosures sent with the subpoenas. According to your letter, you have been in receipt of these materials since at least January 3. However, you raised no concerns before sending your letter at the close of our business today, January 5. *Defendants' Memorandum In Support Of Motion To Compel The MRA Parties To (1) Answer Interrogatories And (2) Produce Documents And Things* was provided to some of the subpoenaed parties because it includes background information that may assist them in identifying relevant, responsive documents and things. *Defendants' Memorandum* is a public document that was served on you on December 16 and filed with the Court on December 20. Until your letter at the close of business today, you raised no concerns about *Defendants' Memorandum*. It does not disclose any information that the parties agreed to treat as Outside Counsel Eyes Only. Your suggestions to the contrary are unfounded. Indeed, you filed your opposition memorandum in the public court file. Ovion believes that it has a good faith basis for all of the assertions in *Defendants' Memorandum*.

Please call if you have any questions or concerns after carefully considering this letter.

Sincerely,



Christopher V. Carani

Enclosures

¹ To date, two parties have produced documents (total of 5 pages) in response to the subpoenas. These documents are enclosed. Specifically, Prospect Venture Partners produced four pages, all of which were previously produced by MRA (see MRA 11892-95). MedVenture Associates produced the additional page.

Joanne Lehmkuhl

From: Russell Hirsch
Sent: Sunday, November 07, 2004 5:39 PM
To: Joanne Lehmkuhl
Subject: FW: Ovion Exec. Sum.
Attachments: Ovion-execsum-11-01-04.doc

Please print and log.

R

From: Sue Ann Latterman [mailto:sueann@mrvvc.com]
Sent: Thursday, November 04, 2004 12:46 PM
To: Russell Hirsch
Cc: JCovion@aol.com; AutoGX@aol.com
Subject: Ovion Exec. Sum.

Russell,
Enclosed is the Ovion Executive Summary. I will call Joanne about setting up a time for Ovion to present to you. I also wanted to let you know that the AAGL (American Association of Gynecologic Laparoscopists) meeting is in San Fran next week...the 10th-13th. Many of the physicians that are advisors to Ovion will be in town and we could easily set up meetings for you with several of them if you are interested. Please let me know...

Congratulations on your marriage...
Sue Ann

Sue Ann Latterman, VMD
Musket Research Associates
314 Joyce Way
Mill Valley, CA 94941
O: 415-383-3255
F: 415-383-3900
C: 415-672-4644

Ovion Executive Summary

"Non-incisional techniques will have a profound effect on permanent contraception for women in the United States"

- Association of Reproductive Health Professionals

Ovion Inc. was founded in 1996 to develop a non-incisional, transcervical method for permanent female birth control (BC). The Company has designed and developed The Eclipse™ transcervical tubal occlusion system which is based on clinically proven technology, but is superior to other approaches in design, practicality, cost to manufacture and ease of use. Ovion has completed animal testing, completed peri-hysterectomy testing in women and has a conditional IDE approval from the FDA to initiate a pre-hysterectomy clinical trial. Ovion now seeks to raise a \$7 million Series B financing to complete the pre-hysterectomy clinical trial and to gain IDE approval for their pivotal trial. It is anticipated that the Company will raise a subsequent round of capital in ~18 months to complete the pivotal trial and obtain PMA approval for The Eclipse™ System.

The Company has unusually strong intellectual property. In the US, 2 patents have been issued, 6 are pending (of which 3 have allowed claims) and 4 are provisionally filed. The only commercial product in this category is based on patents licensed from Ovion.

The Current Market: Women spend most of their fertile years trying not to get pregnant. Female sterilization (tubal ligation - bilateral occlusion of the fallopian tubes) is the most popular form of birth control used worldwide.^{1,2,3} Tubal ligation offers women a permanent, >99% effective form of birth control that does not require ongoing compliance, exposure to hormones or the ongoing expense of most non-permanent BC methods.

Worldwide: Approximately 180 million women rely on female sterilization as their method of contraception.^{1,2} There are >13 million tubal ligations performed annually worldwide.⁴

United States: The incidence of tubal ligation in the US is ~700,000⁴ and the prevalence is ~11 million.^{2,3} The option of tubal ligation is relied on more often than any other form of BC in the US.²

The Growth Market: For many of the 7.5 million US women with ≥2 children⁴ that have finished growing their families, tubal ligation has many advantages over other forms of BC for their remaining years of fertility. Non-permanent options (oral contraceptive, IUD, diaphragm, condom, etc.) require some form of compliance and/or have undesired side effects which cause these products to be inconsistently used and/or ineffective. This leads to 50% of the 6 million annual pregnancies in the US being unintended with the majority of these pregnancies occurring in women that use some form of BC. In 1996, 22% of pregnancies (1.3 million) ended in abortion.² In addition, the second most popular form of birth control, the pill (used by 27% of US women)², has recently been linked to an increase in cancer risk.

Tubal Ligation - Not the ideal procedure: Even though ~90% of tubal ligations are performed minimally invasively via laparoscopy, the procedure must still be done in an operating room with the patient under general anesthesia. Trocars are used to puncture the abdomen introducing the risk of abdominal infection and damage to organs and/or blood vessels, as well as permanent scars. In addition, these women must take 2-10 days off from the care of their children and/or work to recover. Transcervical sterilization brings tubal ligation into the 21st century. It is a less invasive and less costly alternative. Ovion has developed The Eclipse™ System to have the benefits of tubal ligation (permanent, 99% effective, no compliance needed, no side effects) without the clinical risk, discomfort, and expense related to an incisional procedure.

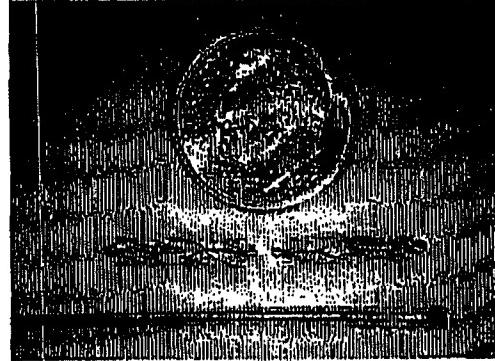
¹ Contraceptive Sterilization-Global Issues and Trends, EngenderHealth 2002

² Vital and Health Statistics, CDC 1995

³ Levine JP. Contraception. In: Rakel R. Textbook of Family Practice. 6th ed. Philadelphia, PA: W.B. Saunders, 2002: 687-698.

⁴ Stifile, Nicolaus & Company Incorporated. New Growth Opportunities in Medical Technology. Women's Health Spring 2004

The Eclipse™ System consists of a <3F deployment catheter containing 2 self-expanding, super elastic nitinol/PET fiber implants used to occlude each fallopian tube. An OBGYN places these occlusion implants by inserting either a flexible or rigid hysteroscope through a woman's cervix and locating the ostium of one of her fallopian tubes. S/he then places the Ovion catheter through the scope's channel and directs it into the fallopian tube where the first of the stored implants is released allowing it to spring open and lock into the wall of the tube. The scope is then directed to the opposite tube where the remaining implant is released. From beginning to end, this procedure takes less than 10 minutes and allows the woman to go home shortly thereafter as no anesthesia or sedation is required. Other than some slight cramping, Ovion does not expect any adverse symptoms requiring the patient to alter her normal activities post-procedure. Within 3 months, tissue grows into the PET fibers contained inside the nitinol scaffold and permanently blocks the tube.



The Competition: Ovion is aware of 2 competitive companies with products designed to address the non-incisional, transcervical permanent female BC market.

Conceptus (CPTS) is a public company with an FDA approved product called Essure® that contains an implant based on patents licensed from Ovion. Essure® was launched in Q1 2003 with an ASP of ~\$970 and achieved revenues of \$7.7 million that year despite a lack of reimbursement codes. With a dedicated CPT code coming on line in January of 2005, the consensus revenue estimate for 2005 is \$25 million. While highly efficacious, the CPTS device has proven to be difficult to use. Ovion believes it has a superior product offering to that of CPTS with respect to design, cost and ease of placement, while leveraging the proven efficacy of the nitinol frame/PET fiber technology.

Adiana is a private, venture backed company with a product currently in its pivotal clinical trial. The Adiana procedure involves the use of radiofrequency (RF) energy to heat a section of the fallopian tube to cause the tissue to contract around a silicone plug implant. The Adiana approach was developed prior to the publication of efficacy data demonstrating >99% efficacy for the nitinol frame/PET fiber approach. As with CPTS, the Adiana product requires a multi-step manipulation for proper device placement within the fallopian tubes. Ovion believes it has a superior product offering to that of Adiana because it does not require RF energy, is easier to place, has a low cost to manufacture and leverages the nitinol frame/PET fiber technology clinical history.

The Clinical and Regulatory Path: The Company believes it will be required to follow a similar clinical and regulatory path as that established by the FDA for CPTS and Adiana. Each of their pivotal trials required approximately 400 patients with an average of 12 months of follow-up. Ovion anticipates commencing a pivotal trial in Q1 2006 with a PMA approval in Q3 2008.

Patent Settlement between Ovion and CPTS: In October of 2003, a federal settlement was reached between Ovion and CPTS with respect to particular intellectual property. In that settlement, CPTS was required to pay Ovion royalties and licensing fees. In return, Ovion granted CPTS a sole license to use specific IP as it relates to the current Essure® device only. The settlement limits CPTS in their ability to upgrade or redesign their implant. Ovion retains all other rights to its IP.

Ovion's Key Success Factors:

- Ovion's nitinol frame/PET fiber implant is conceptually a second generation of the CPTS Essure® implant:
 - Ovion can leverage Essure's long term safety and efficacy data.
- 2 implants in 1 catheter
 - Ovion's procedure is easier and faster, <10 minutes to complete.
 - Ovion's manufacturing cost is anticipated to be <\$100 for the complete system. Currently the CPTS manufacturing cost is estimated to be \$550.

- Ovion's delivery catheter is smaller than 3F
 - Eclipse™ is the only device in this category compatible with either a rigid or a flexible hysteroscope. Flexible hysteroscopes are smaller (3F channel as opposed to the 5F channel found in the smallest rigid scopes) and more comfortable for the patient (in most cases will not even require a local anesthesia block).
 - The CPTS Essure® implant cannot be placed via a flexible scope even if the company could reduce the size of the delivery catheter to fit into a 3F channel as bending this implant potentially ruins it.
 - Adiana has been working on reducing the size of their delivery catheter to fit inside a 5F channel from their original 7F system for the past year. Their electronics would make it extremely difficult for them to further reduce their catheter size to fit inside a 3F channel as well as increase their system's cost.
 - Low profile and small size may significantly improve fallopian tube access rates.
- The Ovion implant is completely contained within the fallopian tube making it likely compatible with all Global Endometrial Ablation technologies.
- The regulatory path is well established.
- The reimbursement protocols for individual private payors will be well documented at the time of the Essure™ marketing launch.
 - Category 1CPT code becomes effective January 2005.
- CPTS and Adiana will be spending a lot of time and money over the next several years to help increase the % of OBGYNs skilled in hysteroscopy.
- CPTS and Adiana will be spending a lot of time and money over the next several years to increase consumer awareness of a non-incisional, transcervical method of permanent birth control for women.

The Ovion Forecast: Ovion believes that the non-incisional, transcervical permanent BC market should reach revenues of \$100 million in 2008 despite some of the drawbacks of the CPTS and Adiana technologies. Ovion believes that because it has a substantially better and meaningfully differentiated second generation product, the Company will be able to target and rapidly capture OBGYNs that have been the early adopters of other transcervical methods. This is a proven strategy that has recently been demonstrated in gynecology by Novacept who grew their business from \$8 million in 2002, their first year of sales, to over \$38 million in 2003 at which point they were purchased for \$325 million by Cytac. Ovion believes that the superior design of the Eclipse™ System will enable the Company to generate \$11 million in revenues in 2009 and \$38 million in 2010.

The Ovion Founders:

Jeff Callister has over 20 years of experience in the design, development, and manufacture of interventional cardiology, gynecology and cardiac output catheters and implantable devices. Most recently, Mr. Callister was the Director of Research and Development at Radiant Medical in Redwood City, California. Previously, he was the Vice President, R&D and the first employee, at Progressive Angioplasty Systems, Inc. (PAS) where he led the development of the Johnson & Johnson Palnaz/Schatz coronary stent delivery catheter. Prior to PAS, Mr. Callister held various development positions at Advanced Cardiovascular Systems, Deseret Medical and Mallinckrodt. He is an inventor on five United States patents. Mr. Callister holds a B.S. in Chemical Engineering from the University of Utah.

Steve Tremulis has over 20 years experience in interventional cardiology, gynecology and neuroradiology catheters and implantable devices. Mr. Tremulis has held various positions in design, development, manufacture and sales in highly esteemed companies including Medtronic, Guidant, Advanced Cardiovascular Systems, American Edwards Labs, and Cordis Corporation. Additionally, his start-up experience includes founding both Mitral Interventions in Palo Alto and the Interventional Cardiology Division of Specialty Medical Products in Galway, Ireland. He is an inventor on 26 United States patents. Mr. Tremulis holds a B.S. in Biomedical Engineering from Purdue University.

Entization No	City	State	Work Phone	Key People	Date Rec'd	Referred By	Keyword	Description	Status	Date Unfilled down	Plan on File	Disposition
Ovion	San Mateo	CA	650 594 9836	Steve Tremulis	09-Nov-01	Ken Hayes	Device control	Permanent Birth tube	TD	01-Nov-02 no	GYC/JPB	unknown
												Small market; reanastam. osis of the tube

EXHIBIT E

LAW OFFICES

McANDREWS, HELD & MALLOY, LTD.

34TH FLOOR

GEORGE P. MCANDREWS
 JOHN J. HELD
 TIMOTHY J. MALLEY
 WILLIAM M. WESLEY
 LAWRENCE M. JARVIS
 GREGORY J. VOGLER
 JEAN DUDEK KUELPER
 HERBERT D. HART III
 ROBERT W. FIESELER
 THOMAS J. WIMBISCUS
 STEVEN J. HAMPTON
 PRISCILLA F. GALLAGHER
 STEPHEN F. SHERRY
 PATRICK J. ARNOLD JR.
 GEORGE F. WHEELER
 JANET M. McNICHOLAS
 CHRISTOPHER C. WINSLADE
 EDWARD A. MAS II
 GREGORY C. SCHODDE
 EDWARD W. REMUS
 DONALD J. POCHOPPIN
 SHARON A. HWANG
 DAVID D. HEADRICK
 ALEJANDRO MENCHACA

KIRK A. VANDER LEEST
 RICHARD T. McCUAULLEY JR.
 PETER J. MCANDREWS
 LELAND G. HANSEN
 JAMES M. HAFERTEPE
 JONATHAN R. SICK
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 JAMES P. MURPHY
 DEAN A. PELLETIER
 MICHAEL B. HARLIN
 JAMES R. NUTTALL
 ROBERT A. SURRETT
 JOSEPH M. BARICH
 SCOTT P. McBRIDE
 PATRICIA J. MCGRATH
 TROY A. GROETKEN
 GERALD C. WILLIS
 JOHN A. WIBERG
 WILHELM L. RAO
 SANDRA A. FRANTZEN
 RONALD H. SPULER
 CHRISTOPHER V. CARANI
 RONALD A. DICERBO
 JENNIFER E. LACROIX

500 WEST MADISON STREET
 CHICAGO, ILLINOIS 60661
 TELEPHONE: (312) 775-8000
 FACSIMILE: (312) 775-8100
 WWW.MHMLAW.COM

JOSEPH F. HARDING
 JOSEPH M. BUTSCHER
 SARA J. BARTOS
 JOHN L. ABRAMIC
 MICHAEL J. FITZPATRICK
 DAVID Z. PETTY
 MICHAEL T. CRUZ*
 MIRUT P. DALAL
 CHRISTOPHER N. GEORGE
 MATTHEW A. ANDERSON
 YUFENG MA
 DENNIS H. JASKOVIAK
 DEBORAH A. LAUGHTON
 WILLIAM B. GONT
 DENNIS P. HACKETT
 HOPETON S. WALKER
 SHAWN L. PETERSON
 OGNYAN I. BEREMSKI
 PHILIP H. SHERIDAN
 CHRISTOPHER R. CARROLL
 CHRISTOPHER M. SCHARFF
 CONSUELO G. ERWIN
 PETER J. PROMMER

MERLE S. ELLIOTT
 BRIAN C. BIANCO
 PAUL W. MCANDREWS
 ANDREW B. KARP
 LAURA M. PERSONICK
 JONATHAN M. RUSHMAN
 JEREMY N. GAYED
 CHRISTOPHER J. BUCHKO
 LEONARD D. CONAPINSKI
 MICHAEL J. KRAUTNER
 ADAM J. FAIER
 JAMES H. WILLIAMS
 SARAH A. KOFFLIN
 ALI H. SHAH
 PATRICK V. BRADLEY
 CHRISTINA F. POLYN

OF COUNSEL
 S JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 6, 2006

Via Email and U.S Mail

Brooks A. Ames
 DLA Piper Rudnick Gray Cary US LLP
 One International Place, 21st Floor
 Boston, Massachusetts 02110-2613

Re: *Musket Research Associates, Inc. v. Ovion, Inc., et al.*;
Ovion, Inc. v. Musket Research Associates, Inc., et al.
 Civil Action No. 05 10416 MEL

Dear Brooks:

I am writing to follow up on my earlier letter in response to the letter that you sent last night.

I have enclosed copies of the proofs of service for 23 subpoenas, which we received this morning from the process server. You will note that each of these subpoenas was served on either December 27 or 28. As I explained in my previous letter, you were served on December 29 due to an oversight. We intended to serve you before the subpoenaed parties were served. Based on our present information, we believe that none of the other subpoenas were served before January 3. We will forward any additional proofs of service to you as we receive them, as is our ordinary practice. Again, we did not discuss the subpoenas with any of the subpoenaed parties before January 3. We again apologize that any of the subpoenas were served on the subpoenaed parties before they were served on you. Neither you nor your client has suffered any prejudice as a result of this inadvertent error. If you believe otherwise, please call to discuss your concerns.

Sincerely,

Christopher V. Carani

Enclosures

CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Ref No Or File No

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)
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I, David Bregy Flail, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : ABERDARE VENTURES

By Serving : CHRISTINA FONG, Controller, Authorized Agent

Address : One Embarcadero Center, Suite 4000, San Francisco, California 94111

Date & Time : Tuesday, December 27, 2005 @ 9:42 a.m.

Witness fees were : Not demanded or paid.

Person serving:

David Bregy Flail
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

- a. Fee for service:
- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 861
 - (3) County: San Francisco
 - (4) Expires: 4/28/06

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature: DAVID BREGY FLAIL
David Bregy Flail



Attorney Or Party Without Attorney Name And Address

CHRISTOPHER V. CARANI, ESQ.
 ESQUIRE DEPOSITION SERVICES
 155 North Wacker, Suite 1000
 Chicago, Illinois 60606

Attorneys for: MCANDREWS HELD & MALLEY

Ref. No. Or File No.

W2444897

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date:	Time:	Dept/Div:	Case Number:
	1/13/2006	10:00 a.m.	Witness	(Pending DIST OF MA, 1:05-CV-10416 MEL)

I, V. Tim Keene, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : SARATOGA VENTURES, L.P.

By Serving : DOUG BARNES, ESQ.

Address : 210 Almendra Avenue , Los Gatos, California 95030

Date & Time : Tuesday, December 27, 2005 @ 12:35 p.m.

Witness fees were : Not demanded or paid.

Person serving:

V. Tim Keene

Wheels of Justice, Inc.

657 Mission Street, Suite 502
 San Francisco, California 94105
 Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.: 749

(3) County: Santa Clara

(4) Expires: 12/25/05

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 28, 2005

Signature: _____



V. Tim Keene



Printed on recycled paper

AFFIDAVIT OF SERVICE**UNITED STATES DISTRICT COURT
SOUTHERN District of NEW YORK**

Index Number: 1:05CV10416 MEL

Date Filed: _____

Plaintiff:
MUSKET RESEARCH ASSOCIATES, INC.,

vs.

Defendant:
OVION, INC., ET AL.,

For:
MCANDREWS, HELD & MALLOY, LTD.
 34th Floor
 500 West Madison Street
 Chicago, IL 60661

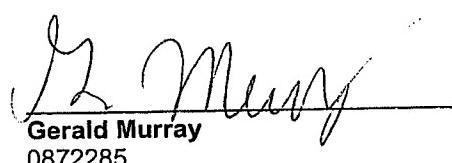
Received by ESQUIRE DEPOSITION SERVICES on the 23rd day of December, 2005 at 1:41 pm to be served on
**EASTON HUNT CAPITAL PARTNERS, L.P., 767 THIRD AVENUE (at 48th Street), 7TH FLOOR, NEW YORK,
 N.Y. 10017.**

I, Gerald Murray, being duly sworn, depose and say that on the **27th day of December, 2005** at **1:59 pm**, I:

Delivered a true copy of the SUBPOENA to DAN "DOE", REFUSED TO STATE SURNAME as agent of the above
 who stated they were authorized to accept.

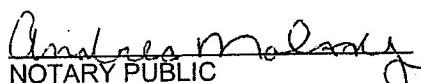
Description of Person Served: Age: 28, Sex: M, Race/Skin Color: White, Height: 5'10", Weight: 180, Hair:
 Blonde, Glasses: N

I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant
 to CPLR 2103.



Gerald Murray
0872285

Subscribed and Sworn to before me on the 28th day
 of December, 2005 by the affiant who is personally
 known to me.



NOTARY PUBLIC

ESQUIRE DEPOSITION SERVICES
155 N. Wacker Drive
10th Floor
Chicago, IL 60606
(312) 782-8087
 Our Job Serial Number: 2005005596

ANDREA MOLODY
 Notary Public, State of New York
 No. 01MO037106
 Qualified in Suffolk County
 Commission Expires Feb. 14, 20____

AFFIDAVIT OF SERVICE**UNITED STATES DISTRICT COURT
SOUTHERN District of NEW YORK**

Index Number: 1:05CV10416 MEL

Date Filed: _____

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.,

vs.

Defendant:

OVION, INC., ET AL.,

For:

MCANDREWS, HELD & MALLOY, LTD.

34th Floor

500 West Madison Street

Chicago, IL 60661

Received by ESQUIRE DEPOSITION SERVICES on the 23rd day of December, 2005 at 1:41 pm to be served on
RADIUS VENTURES, LLC, 400 MADISON AVENUE, FLOOR 8, NEW YORK, N.Y. 10017.

I, Gerald Murray, being duly sworn, depose and say that on the **27th day of December, 2005 at 2:30 pm, I:**

Delivered a true copy of the SUBPOENA to "JANE DOE", REFUSED TO STATE NAME as agent of the above who stated they were authorized to accept.

Description of Person Served: Age: 38, Sex: F, Race/Skin Color: White, Height: 5'8", Weight: 150, Hair: Blonde, Glasses: N

I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant to CPLR 2103.

Gerald Murray
0872285

ESQUIRE DEPOSITION SERVICES
155 N. Wacker Drive
10th Floor
Chicago, IL 60606
(312) 782-8087
Our Job Serial Number: 2005005595

Subscribed and Sworn to before me on the 28th day of December, 2005 by the affiant who is personally known to me.

ANDREA MOLODY
Notary Public, State of New York
No. 01MJD-037156

Qualified in Suffolk County
Commission Expires Feb. 14, 20____

MUSKET RESEARCH ASSOCIATES, INC.

Plaintiff(s), Petitioner(s)

against

OVION, INC., WILLIAM S. TREMULIS AND JEFFREY P.
CALLISTER

Defendant(s), Respondent(s)

CLIENT: Esquire Deposition Services-Chicago

INDEX NO.: 1:05 CV-10416 MEI Pending USDC MA

RETURN DATE: 1/13/2006

AFFIDAVIT OF SERVICE

STATE OF CONNECTICUT: COUNTY OF HARTFORD

I, Eric Rubin being duly sworn according to law upon my oath, depose and say, that deponent is not a party to this action, is over 18 years of age and resides in Bethel, CT.

Furthermore, that on December 27, 2005 at 3:20 PM at 105 Rowayton Avenue, Rowayton, CT 06853, deponent served the Subpoena In A Civil Case; Schedule A; Defendants' Memorandum In Support Of Motion To Compel The MRA Parties To (1) Answer Interrogatories and (2) Produce Documents and Things upon Foundation Medical Partners, (Defendant/Respondent) herein known as Recipient.

Said service was effected in the following manner:

By delivering to and leaving a true copy of each Subpoena In A Civil Case; Schedule A; Defendants' Memorandum In Support Of Motion To Compel The MRA Parties To (1) Answer Interrogatories and (2) Produce Documents and Things with Harry Rein a person who is known to be the General Partner of said corporation and/or company, and who is authorized by said corporation and/or company to receive said Subpoena In A Civil Case; Schedule A; Defendants' Memorandum In Support Of Motion To Compel The MRA Parties To (1) Answer Interrogatories and (2) Produce Documents and Things.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

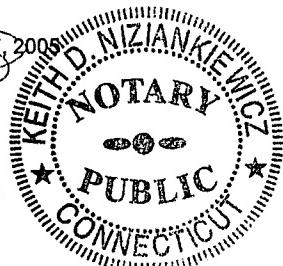
Sex: Male Skin: White Hair: Brown Age(Approx): 51-65 Height(Approx): 5'9" - 6' Weight(Approx): 161-200 lbs
Other: Glasses

I certify that the foregoing statements made by me are true, correct and my free act and deed. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Eric Rubin, Private Process Server

Sworn to before me on December 27, 2005

Notary Public
My Commission Expires: 08/31/2009



Case 1:05-cv-10416-MEL Document 44-11		Filed 01/12/2006 (312) 782-8087	Page 8 of 26 FOR COURT USE ONLY
Attorney Or Party Without Attorney (Name and Address) CHRISTOPHER V. CARANI, ESQ. ESQUIRE DEPOSITION SERVICES 155 North Wacker, Suite 1000 Chicago, Illinois 60606		Ref. No. Or File No. W2444898	
Attorneys for: MCANDREWS HELD & MALLOY			
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
Plaintiff: MUSKET RESEARCH ASSOCIATES, INC.			
Defendant: OVION, INC., et al.			
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Nelson Bellesheim , Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : THOMAS MCNERNEY & PARTNERS

By Serving : KAREN BOEZI, Managing Partner

Address : One Market, Steuart Twr, Suite 1030 , San Francisco, California 94105

Date & Time : Wednesday, December 28, 2005 @ 12:25 p.m.

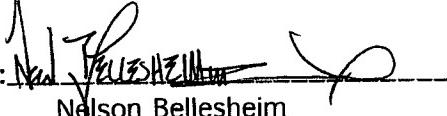
Witness fees were : Not demanded or paid.

Person serving:
Nelson Bellesheim
Wheels of Justice, Inc.
657 Mission Street, Suite 502
San Francisco, California 94105
Phone: (415) 546-6000

a. Fee for service:
d. Registered California Process Server
(1) Employee or independent contractor
(2) Registration No.: 915
(3) County: San Francisco
(4) Expires: 03/7/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 28, 2005

Signature: 
Nelson Bellesheim



Printed on recycled paper

[« BACK TO TOP](#)

Karen M. Boezi
Managing Partner

Karen has over 14 years of health care private equity experience. Prior to co-founding Thomas, McNerney & Partners, she was a General Partner of Coral Ventures. Karen is currently a board member of Leptos Biomedical, Inc. and NaviMedix, Inc. Previous investments include Coulter Pharmaceutical, Inc. (CLTR sold to CRXA which was subsequently sold to GSK), Endocardial Solutions, Inc. (ECSI sold to STJ), Epicor Medical, Inc. (sold to STJ) and NeXagen, Inc. (NXGN/NXTR sold to GILD with spin-outs to EYET, Archemix and SomaLogic). She joined Coral in 1994 and managed the firm's West Coast office. Previously, Karen was a member of Warburg Pincus LLC's health care technology venture capital group. While at Warburg, Karen focused on seed stage investments in the life science industry and was the start-up manager for two biotechnology companies, including NeXagen, Inc. Karen joined Warburg from Alex. Brown & Sons' Healthcare Corporate Finance team. She graduated Phi Beta Kappa and *magna cum laude* with a B.S. from the Wharton School at the University of Pennsylvania. Karen is currently a member of The Permanente Company L.L.C.'s Board of Directors and founded the West Coast Chapter of the Wharton Private Equity Network.

CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Attorneys for:

Insert name of court, judicial district and branch court, if any:

Ref No. Or File No.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)
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I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : ONSET VENTURES

By Serving : LESLIE BORTOFF, General Partner

Address : 2400 Sand Hill Road, Suite 150, Menlo Park, California 94025

Date & Time : Tuesday, December 27, 2005 @ 9:38 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

d. Registered California Process Server

- (1) Employee or independent contractor
- (2) Registration No.: 2003-0000382
- (3) County: San Francisco
- (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature:



Stephen Sabol



Attorneys for:

Insert name of court, judicial district and branch court, if any:

Ref. No. Or File No

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)
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in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : MPM CAPITAL

By Serving : NOY YASSIN, Executive Assistant/Authorized to Accept Service of Process

Address : 601 Gateway Blvd., Suite 350, South San Francisco, California 94080

Date & Time : Tuesday, December 27, 2005 @ 12:58 p.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol

ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

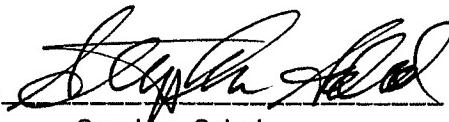
d. Registered California Process Server

- (1) Employee or independent contractor
- (2) Registration No.: 2003-0000382
- (3) County: San Francisco
- (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature:



Stephen Sabol



CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Ref. No. Or File No

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date:	Time:	Dept/Div:	Case Number:
	1/13/2006	10:00 a.m.	Witness	(Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

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in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : MORGENTHALER VENTURES

By Serving : TRISHA BLUE, Executive Assistant

Address : 2710 Sand Hill Road, Suite 100, Menlo Park, California 94025

Date & Time : Tuesday, December 27, 2005 @ 10:03 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 2003-0000382
 - (3) County: San Francisco
 - (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature: 
Stephen Sabol



CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Attorneys for:

Insert name of court, judicial district and branch court, if any:

Ref No. Or File No.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)
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I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : INTERWEST PARTNERS

By Serving : KHALED NASR, Partner

Address : 2710 Sand Hill Road, Second Floor, Menlo Park, California 94025

Date & Time : Tuesday, December 27, 2005 @ 10:06 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.: 2003-0000382

(3) County: San Francisco

(4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature:



Stephen Sabol



CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Attorneys for:

Insert name of court, judicial district and branch court, if any:

Ref. No. Or File No.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date:	Time:	Dept/Div:	Witness	Case Number:
	1/13/2006	10:00 a.m.			(Pending DIST OF MA, 1:05-CV-10416 MEL)

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I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : NEA

By Serving : HELEN MCNEIL, Administrative Assistant

Address : 2490 Sand Hill Road, Menlo Park, California 94025

Date & Time : Tuesday, December 27, 2005 @ 9:48 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

- a. Fee for service:
- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 2003-0000382
 - (3) County: San Francisco
 - (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature:



Stephen Sabol



CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Ref No. Or File No.

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)
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I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

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in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : CANAAN PARTNERS

By Serving : LOURDELYN DIKIO, Receptionist

Address : 2765 Sand Hill Road, Menlo Park, California 94025

Date & Time : Tuesday, December 27, 2005 @ 10:26 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.: 2003-0000382

(3) County: San Francisco

(4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature:



Stephen Sabol



CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Attorneys for:

Insert name of court, judicial district and branch court, if any:

Ref. No. Or File No.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date:	Time:	Dept/Div:	Witness	Case Number:
	1/13/2006	10:00 a.m.			(Pending DIST OF MA, 1:05-CV-10416 MEL)

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I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : PEQUOT VENTURES

By Serving : SUMMAR DAVIDOW, Receptionist

Address : 2500 Sand Hill Road, Suite 203 , Menlo Park, California 94025

Date & Time : Tuesday, December 27, 2005 @ 9:57 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

- d. Registered California Process Server
 (1) Employee or independent contractor
 (2) Registration No.: 2003-0000382
 (3) County: San Francisco
 (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature:


 Stephen Sabol


Printed on recycled paper

CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Ref No. Or File No.

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date:	Time:	Dept/Div:	Witness	Case Number:
	1/13/2006	10:00 a.m.			(Pending DIST OF MA, 1:05-CV-10416 MEL)

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I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : WARBURG PINCUS LLC

By Serving : JEANETTE SORMARK, Executive Assistant

Address : 859 Oak Grove Avenue, Menlo Park, California 94025

Date & Time : Tuesday, December 27, 2005 @ 10:58 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

d. Registered California Process Server
 (1) Employee or independent contractor
 (2) Registration No.: 2003-0000382
 (3) County: San Francisco
 (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature:

Stephen Sabol




CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Ref. No. Or File No.

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date:	Time:	Dept/Div:	Witness	Case Number:
	1/13/2006	10:00 a.m.			(Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : DRAPER FISHER JURVETSON EPLANET VENTURES

By Serving : SWALLOW ZHAO, CFO Assistant

Address : 400 Seaport Court, Suite 102, Redwood City, California 94063

Date & Time : Tuesday, December 27, 2005 @ 12:06 p.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 2003-0000382
 - (3) County: San Francisco
 - (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature:

Stephen Sabol



CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Ref. No. Or File No.

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)
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I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

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in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : VANTAGE POINT VENTURE PARTNERS

By Serving : GINA BATTISTO, Executive Assistant

Address : 1001 Bayhill Drive, Suite 300, San Bruno, California 94066

Date & Time : Tuesday, December 27, 2005 @ 12:43 p.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

d. Registered California Process Server
 (1) Employee or independent contractor
 (2) Registration No.: 2003-0000382
 (3) County: San Francisco
 (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature:


 Stephen Sabol


CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Ref. No. Or File No.

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date:	Time:	Dept/Div:	Witness	Case Number:
	1/13/2006	10:00 a.m.			(Pending DIST OF MA, 1:05-CV-10416 MEL)

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in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : SUTTER HILL VENTURES

By Serving : EVA ESPE, Receptionist

Address : 755 Page Mill Road, Suite A-200, Palo Alto, California 94304

Date & Time : Tuesday, December 27, 2005 @ 8:29 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 2003-0000382
 - (3) County: San Francisco
 - (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature:

Stephen Sabol




CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Ref. No. Or File No.

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)
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I, David Bregy Flail, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : CMEA VENTURES

By Serving : RON LOWENTHAL, Employee in Charge, Authorized Agent

Address : One Embarcadero Center, Suite 3250, San Francisco, California 94111

Date & Time : Tuesday, December 27, 2005 @ 9:38 a.m.

Witness fees were : Not demanded or paid.

Person serving:

David Bregy Flail
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

d. Registered California Process Server
 (1) Employee or independent contractor
 (2) Registration No.: 861
 (3) County: San Francisco
 (4) Expires: 4/28/06

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature: DAVID BREGY FLAIL
David Bregy Flail



CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Ref No Or File No

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)
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I, David Bregy Flail, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : CUTLASS CAPITAL, LLC

By Serving : CORNELIA RAWLS, Receptionist, Authorized Agent

Address : 1750 Montgomery Street, San Francisco, California 94025

Date & Time : Tuesday, December 27, 2005 @ 11:42 a.m.

Witness fees were : Not demanded or paid.

Person serving:

David Bregy Flail
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

d. Registered California Process Server
 (1) Employee or independent contractor
 (2) Registration No.: 861
 (3) County: San Francisco
 (4) Expires: 4/28/06

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature: DAVID BREGY FLAIL
David Bregy Flail



Printed on recycled paper

CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)
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I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : ALTA PARTNERS

By Serving : HILLERY STRAIN, Chief Financial Officer, Authorized Agent

Address : One Embarcadero Center, Suite 4050, San Francisco, California 94111

Date & Time : Tuesday, December 27, 2005 @ 9:51 a.m.

Witness fees were : Not demanded or paid.

Person serving:

David Bregy Flail
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

d. Registered California Process Server
 (1) Employee or independent contractor
 (2) Registration No.: 861
 (3) County: San Francisco
 (4) Expires: 4/28/06

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature: DAVID BREGY FLAIL
David Bregy Flail



CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Ref. No. Or File No

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)
-------------------------	--------------------	---------------------	----------------------	--

I, David Bregy Flail, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : LATTERELL VENTURE PARTNERS

By Serving : STEVE SALMON, Partner, Authorized Agent

Address : Four Embarcadero Center, Suite 2500, San Francisco, California 94111

Date & Time : Tuesday, December 27, 2005 @ 9:28 a.m.

Witness fees were : Not demanded or paid.

Person serving:

David Bregy Flail
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 861
 - (3) County: San Francisco
 - (4) Expires: 4/28/06

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature: 

David Bregy Flail



CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Ref No Or File No.

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

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I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : JP MORGAN

By Serving : HERMIONE WILSON, Secretary, Authorized Agent

Address : 50 California Street, 29th Floor, San Francisco, California 94111

Date & Time : Tuesday, December 27, 2005 @ 10:02 a.m.

Witness fees were : Not demanded or paid.

Person serving:

David Bregy Flail
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

- a. Fee for service:
- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 861
 - (3) County: San Francisco
 - (4) Expires: 4/28/06

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature: DAVID BREGY FLAIL
David Bregy Flail



CHRISTOPHER V. CARANI, ESQ.
MCANDREWS HELD & MALLOY

Ref No. Or File No.

Attorneys for:

Insert name of court, judicial district and branch court, if any:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff:

MUSKET RESEARCH ASSOCIATES, INC.

Defendant:

OVION, INC., et al.

PROOF OF SERVICE	Date:	Time:	Dept/Div:	Case Number:
	1/13/2006	10:00 a.m.	Witness	(Pending DIST OF MA, 1:05-CV-10416 MEL)

I, David Bregy Flail, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : THOMAS WEISEL HEALTHCARE VENTURE PARTNERS, L.P.

By Serving : STACY COLE, Executive Assistant, Authorized Agent

Address : One Montgomery Street, San Francisco, California 94104

Date & Time : Tuesday, December 27, 2005 @ 10:55 a.m.

Witness fees were : Not demanded or paid.

Person serving:

David Bregy Flail
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

- a. Fee for service:
- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 861
 - (3) County: San Francisco
 - (4) Expires: 4/28/06

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2005

Signature: DAVID BREGY FLAIL
David Bregy Flail



Printed on recycled paper

EXHIBIT F

Ames, Brooks A.

From: ccarani@mhmlaw.com
Sent: Friday, January 06, 2006 7:03 PM
To: Ames, Brooks A.
Subject: RE: Musket Research Associates, Inc. v. Ovion



Subpoena - Proofs
of Service -...

Brooks,

Per our discussion today, please find the attached subpoena proofs of service. As we informed you on the phone today, we received these proofs of service from our process server today.

Regards, Chris

Christopher V. Carani
McAndrews, Held & Malloy, Ltd.
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
Tel: (312) 775-8000
Fax: (312) 775-8100
www.mhmlaw.com

CONFIDENTIALITY NOTICE:

This Material is intended for the named recipient and, unless otherwise expressly indicated, is confidential and privileged information. Any dissemination, distribution or copying of this material is prohibited. If you received this message in error, please notify the sender by replying to this message and then delete it from your system. Your cooperation is appreciated.

PROOF OF SERVICE

SERVED	DATE 12/27/05	PLACE 2750 Premiere Dray Ste 200 Duluth GA 30094
SERVED ON (PRINT NAME) <i>Acuitive Medical Ventures</i>	MANNER OF SERVICE <i>by handing to Gerard Peterink</i>	
SERVED BY (PRINT NAME) <i>Dennis Nowik</i>	TITLE <i>Process Server</i>	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

12/29/05

DATE


 SIGNATURE OF SERVER

POBox 7710, Atlanta GA 30357
 ADDRESS OF SERVER
Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions

(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim

Issued by the

United States District Court

Northern District of Georgia

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MELCurrently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: Accutive Medical Ventures
27500 Premiere Parkway, Suite 200
Duluth, GA 30097

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE	DATE AND TIME
27500 Premiere Parkway, Suite 200 Duluth, GA 30097	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer=s Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

INDEX NO.: 1:05-CV-10416 MEL

MUSKET RESEARCH ASSOCIATES INC.
Plaintiff(s), Petitioner(s)

against

OVION INC. ET AL
Defendant(s), Respondent(s)

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY: COUNTY OF SOMERSET: ss:

LARRY VAN SERTIMA being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in New Jersey.

That on **January 3, 2006** at **9:45 AM** at **One Palmer Square, Suite 515, Princeton, NJ 08542**, deponent served the within United States District Court Subpoena on **Domain Associates LLC**, Witness. (*Defendant/Respondent*) herein known as Recipient.

Said service was effected in the following manner;

CORPORATION/
BUSINESS ENTITY

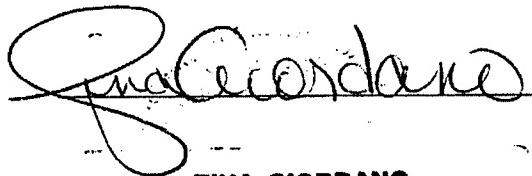
A domestic/foreign corporation, by delivering thereat a true copy of each to **Lisa Kiautte** personally. Deponent knew said Domain Associates LLC so served to be the domestic/foreign corporation, described as **Domain Associates LLC** and knew said individual to be the **Controller** thereof, authorized to accept service of process.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: Female Skin: Caucasian Hair: Blonde Age(Approx): 40's Height(Approx): 5' 7" Weight(Approx): 120-130 lbs Other:

I certify that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Sworn to before me on Tuesday, January 3, 2006



TINA GIORDANO
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 3/11/08



LARRY VAN SERTIMA, PROCESS SERVER

PROOF OF SERVICE

SERVED	DATE	PLACE	1000 2nd Avenue # 3100 Seattle WA 98104
SERVED ON (PRINT NAME)	MANNER OF SERVICE		
Pamela Jarrett, Receptionist	Personal		
SERVED BY (PRINT NAME)	TITLE		
Tim Mick	Process Server # 441719		

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/3/06
DATE

Tim Mick
SIGNATURE OF SERVER

824 First Ave, Seattle WA 98104
ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises exempt pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unrestrained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Western District of Washington

SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

v.

CASE NUMBER: 1:05-CV-10416 MEL
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Polaris Venture Partners
 1000 2nd Ave., Suite 3100
 Seattle, WA 98104

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	----------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

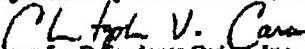
PLACE	DATE AND TIME
1000 2nd Ave., Suite 3100 Seattle, WA 98104	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
-----------------	----------------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

Date
 December 22, 2005

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

Issued by the

United States District Court

Western District of Washington

SUBPOENA IN A CIVIL CASE**Muskete Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MELCurrently pending in the United States District Court for the
District of Massachusetts**Orion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: John F. Harris
140 Fourth Avenue North, Suite 370
Seattle, WA 98109

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
<input checked="" type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A	DATE AND TIME

PLACE	DATE AND TIME
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140 Fourth Avenue North, Suite 370
Seattle, WA 98109

January 13, 2006 at 10:00 a.m.

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Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)	Date
--	-------------

Christopher V. Carani
Attorney for Defendants Orion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number	
--	--

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

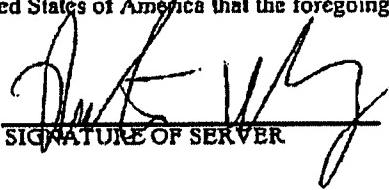
PROOF OF SERVICE

SERVED	DATE	PLACE
<u>1/3/06 @ 10:55am</u>		140 4th Ave N. #370 Seattle WA 98109
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
<u>John F Harris</u>	<u>Personal</u>	
SERVED BY (PRINT NAME)	TITLE	
<u>Pat Mahoney</u>	<u>Process Server # 310580</u>	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/4/06
DATE


SIGNATURE OF SERVER

ADDRESS OF SERVER**Rule 45, Federal Rules of Civil Procedure, Parts C & D****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts

business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
 Western District of Washington
SUBPOENA IN A CIVIL CASE

Musketeer Research Associates, Inc.

v

CASE NUMBER: 1:05-CV-10416 MEL
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Frazier Healthcare Ventures
 601 Union
 Two Union Square, Suite 3200
 Seattle, WA 98101

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
----------------------------	----------------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE 601 Union Two Union Square, Suite 3200 Seattle, WA 98101	DATE AND TIME January 13, 2006 at 10:00 a.m.
--	--

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
-----------------	----------------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

SERVED	DATE	PLACE
1/3/06 @ 10:48am		601 Union Street #3200 Seattle WA 98101
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
Tom Hodge, COO	Personal	
SERVED BY (PRINT NAME)	TITLE	
Tim Micek	Process Server # 441719	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

4 Jan 2006

SIGNATURE OF SERVER

824 Port Ave, Seattle WA 98104

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
CASE NO. 1:05-CV-10416 MEL
AFFIDAVIT OF SPECIAL PROCESS SERVER**

Philip Alkhoury, being first duly sworn on oath deposes and says that he served process in the above mentioned cause.

That he served the within:

- Summons & Complaint
 Citation to Discover Assets
 Rule to Show Cause
 Subpoena
 Other:

1. () By leaving a copy with the named party, ----- personally on -----.
 2. () On the within named party, -----, by leaving a copy with -----, ----- who states that they are a member of the household on -----, and informed that person of the contents thereof, and that further he mailed a copy of same in a sealed envelope with postage prepaid addressed to the party on -----.
 3. (X) On the within party, **Channel Medical Partners** by leaving a copy with **Dwight Brown, Office Manager and Authorized Person**, on **January 4, 2006**, and informed that person of the contents thereof.
 4. (X) That the sex, race and approximate age of the person with whom he left the documents were as follows:

SEX: Male **RACE: African American** **APPROXIMATE AGE: 40-45**

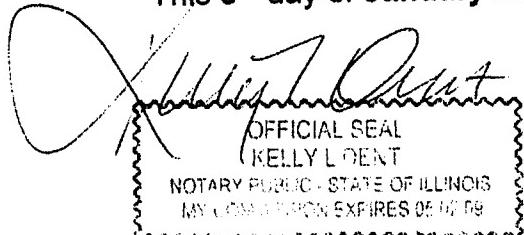
5. (X) That the place where and the time of day when the documents were served were as follows:

PLACE: 5750 Old Orchard Rd., Ste. 310, Skokie, IL 60077

TIME OF DAY: 12:05 PM

6. () That he was unable to serve the within named party ----- located at ----- for the reason: -----

Signed and Sworn to before me
This 5th day of January 2006.



**Philip Alkhoury
Special Process Server
IT'S YOUR SERVE, INC.
Private Detective No. 117-000885**

EXHIBIT G



DLA Piper Rudnick Gray Cary US LLP
One International Place, 21st Floor
Boston, Massachusetts 02110-2613
T 617.406.6000
F 617.406.6100
W www.dlapiper.com

BROOKS A. AMES
brooks.ames@dlapiper.com
T 617.406.6045 F 617.406.6145

January 6, 2006

VIA E-MAIL (lhansen@mhma.com) (ccarani@mhma.com)
AND FIRST-CLASS MAIL

Leland G. Hansen, Esq.
Christopher V. Carani, Esq.
McAndrews, Held & Malloy, Ltd.
500 W. Madison Street, 34th Floor
Chicago, IL 60661

Re: *Musket Research Associates, Inc. v. Ovion, Inc., et al.*
Ovion, Inc. v. Musket Research Associates, Inc., et al.
Civil Action No. 05 10416 MEL

Dear Messrs. Hansen and Carani:

This letter responds to Mr. Carani's letters of January 5 and January 6, 2005 and to our January 6, 2005 telephone conference. We note at the outset that you have refused to withdraw the 23 subpoenas served on December 27 and December 28 despite your admitted violation of Rule 45(b)(1). We regard this as a continuing violation of the rule and of your professional obligations, and will take all appropriate actions necessary to protect our clients' interests.

Your contention that MRA somehow received the required notice of the subpoenas on December 29, 2005 flies in the face of the plain language of the rule. Rule 45(b)(1) requires "prior notice" of any commanded production. This means notice must be given before the issuance of the subpoena. *See Butler v. Biocore Med. Techs., Inc.*, 348 F.3d 1163, 1173 (10th Cir. 2003); *Cootes Drive LLC v. Internet Law Library, Inc.*, 2002 WL 424647 (S.D.N.Y. 2002)(quashing subpoenas defendant served on nonparties one day before plaintiff received copies by overnight courier). Yet despite putting the subpoenas in the hands of process servers as early as December 22, 2005 -- if Mr. Carani's cover letters to the venture firms are to be believed--you waited an entire week to send the notice to MRA. And the method that you chose for delivery was service by mail: the slowest method possible under the circumstances. This is nothing more than pure gamesmanship. Therefore, to the extent that you caused any subpoenas to issue on or before January 3, 2006 (when MRA received notice of the subpoenas) you are in violation of the rule. Moreover, your clear indifference to the rule justifies quashing all the subpoenas issued by Mr. Carani on December 22, 2005.



Leland G. Hansen, Esq.
 Christopher V. Carani, Esq.
 January 6, 2006
 Page 2

In addition, you are unrepentant about your gratuitous and widespread publication of the defamatory *Defendants Memorandum*. Contrary to your suggestion that you sent this memorandum to "some" venture firms, Mr. Carani's cover letters indicate that he provided them to all of the subpoenaed venture firms. Your gratuitous publication of this memorandum constituted nothing more than a transparent attempt to embarrass and harm MRA within the venture community, and is an abuse of process. Moreover, your contention that the memorandum was provided as a service to give the firms assistance in identifying responsive documents is a smokescreen. All a nonparty needs to comply with a subpoena is a schedule.

As we discussed, MRA intends to bring additional causes of action based on this improper conduct. In our telephone conference on Friday, we requested that you stipulate to allow MRA to amend its complaint to assert new causes of action based on this conduct. We understand that you will not agree to stipulate to such an amendment. As a result, please take notice that we intend to move the Court to amend our complaint to add causes of action for abuse of process, intentional interference with prospective economic advantage, and defamation against Ovion and your law firm.

With respect to your remaining points, I will respond briefly in the same order as they are set forth in your January 5 letter.

- You suggest our letter is replete with unfounded accusations, but your letters and the accompanying proofs of service confirm that you violated Rule 45(b)(1) on at least 23 occasions. Moreover, contrary to your suggestion, the obligation to make a phone call was yours the instant you identified your violation of the rule and we find your belated apology raises more questions than answers. For instance, it must have been clear to Mr. Carani before he drafted his December 29 letter to us that we were not going to get "prior notice" of at least 23 subpoenas. Therefore, he had an obligation to make his apologies in that letter and not after we identified the violation. Surely, you are not suggesting that you did not realize there had been a violation until we alerted you to it. Notwithstanding your threat of Rule 11 sanction, we will not hesitate to take all steps necessary to protect MRA and vindicate the interests protected by Rule 45.
- You claim that your subpoenas are proper and reasonable in scope. They are not. For instance, the attached Schedule A requests contain no limitation as to time and no description of the particular documents requested. See *Williams v. City of Dallas*, 178 F.R.D. 103, 109-110, 115-116 (N.D. Tex. 1998)(quashing subpoena requiring production of "any and all documents related to" three individuals as overbroad on its face because it did not provide particular documentary descriptions nor reasonable restrictions on time.) In addition, MRA has already provided you with all

**DLA PIPER RUDNICK
GRAYCARY**

Leland G. Hansen, Esq.
Christopher V. Carani, Esq.
January 6, 2006
Page 2

communications and documents it exchanged with venture firms while pursuing funding for Ovion making many of these requests unnecessary. Moreover, any communication MRA had with these firms in pursuit of other client's interests is irrelevant. Also, what possible relevance do documents relating to Ovion competitors Conceptus and Adiana have to this litigation?

- Your assertion that you violated the rule as a result of an "oversight" is vague and supported by no specifics. Instead it is clear that you violated the rule purposefully and in an attempt to wreak the most possible havoc under the circumstances.
- You suggest we somehow waived our right to object to your publication of the *Defendants' Memorandum*. We have done no such thing. As you know, the litigation privilege protects defamatory statements made in pleadings to the court. It does not protect those statements when they are gratuitously published to nonparties.
- Finally, either we have an agreement to keep information exchanged in the lawsuit "eyes only" or we do not. MRA has been scrupulous about honoring this agreement, submitting memorandum containing information received from Ovion under seal. Ovion has not. If you wish to terminate the agreement say so. Otherwise, we will continue to abide by it and request that you do the same.

Sincerely,



Brooks A. Ames

BAA/lnf

EXHIBIT H

EXHIBIT 1

LAW OFFICES

McANDREWS, HELD & MALLOY, LTD.

34TH FLOOR

GEORGE P. MCANDREWS
 JOHN J. HELD
 TIMOTHY J. MALLOY
 WILLIAM H. WESLEY
 LAWRENCE M. JARVIS
 GREGORY J. VOGLER
 JEAN DUDEK KUELPER
 HERBERT D. HART III
 ROBERT W. FIESELER
 THOMAS J. WIMBISCUS
 STEVEN J. HAMPTON
 PRISCILLA F. GALLAGHER
 STEPHEN F. SHERRY
 PATRICK J. ARNOLD JR.
 GEORGE F. WHEELER
 JANET H. McNICHOLAS
 CHRISTOPHER C. WINSLADE
 EDWARD A. MAS II
 GREGORY C. SCHODDE
 EDWARD W. REMUS
 DONALD J. POCHOPJEN
 SHARON A. HWANG
 DAVID D. HEADRICK
 ALEJANDRO HENCHACA

KIRK A. VANDER LEEST
 RICHARD T. MCCALLUEY JR.
 PETER J. MCANDREWS
 LCLAND G. HANSEN
 JAMES H. HAFTERPE
 JONATHAN R. SICK
 ELIGIO C. PIMENTEL
 JAMES P. MURPHY
 DEAN A. PELLETIER
 MICHAEL B. HARLIN
 JAMES R. NUTTALL
 ROBERT A. BURRETTE
 JOSEPH M. BARICH
 SCOTT P. MCBRIDE
 PATRICIA J. MCGRATH
 TROY A. GROETKEN
 GERALD C. WILLIS
 JOHN A. WIBERG
 WILHELM L. RAO
 SANDRA A. FRANTZEN
 RONALD H. SPUHLER
 CHRISTOPHER V. CARANI
 RONALD A. DICERBO
 JENNIFER E. LACROIX

500 WEST MADISON STREET
 CHICAGO, ILLINOIS 60661
 TELEPHONE: (312) 775-8000
 FACSIMILE: (312) 775-8100
 WWW.MHMLAW.COM

January 9, 2006

JOSEPH F. HARDING
 JOSEPH M. BUTSCHER
 SARA J. BARTOS
 JOHN L. ABRAMIC
 MICHAEL J. FITZPATRICK
 DAVID Z. PETTY
 MICHAEL T. CRUZ*
 MIRUT P. DALAL
 CHRISTOPHER N. GEORGE
 MATTHEW A. ANDERSON
 YUFENG MA
 DENNIS H. JASKOVIAK
 DEBORAH A. LAUGHTON
 WILLIAM B. GONT
 DENNIS P. HACKETT
 HOPETON S. WALKER
 SHAWN L. PETERSON
 OGNYAN I. BEREMSKI
 PHILIP H. SHERIDAN
 CHRISTOPHER R. CARROLL
 CHRISTOPHER M. SCHARFF
 CONSUELO G. ERWIN
 PETER J. PROHMER

MERLE S. ELLIOTT
 BRIAN C. BIANCO
 PAUL W. MCANDREWS
 ANDREW B. KARP
 LAURA M. PERBONICK
 JONATHAN M. RUSHMAN
 JEREMY N. GAYED
 CHRISTOPHER J. BUCHKO
 LEONARD D. CONAPINSKI
 MICHAEL J. KRAUTNER
 ADAM J. FAIER
 JAMES H. WILLIAMS
 SARAH A. KOFLIN
 ALI H. SHAH
 PATRICK V. BRADLEY
 CHRISTINA F. POLYN

 OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

Via Email and U.S Mail

Brooks A. Ames
 DLA Piper Rudnick Gray Cary US LLP
 One International Place, 21st Floor
 Boston, Massachusetts 02110-2613

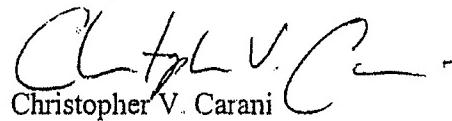
Re: *Musket Research Associates, Inc. v. Ovion, Inc., et al.*,
Ovion, Inc. v. Musket Research Associates, Inc., et al.
 Civil Action No. 05 10416 MEL

Dear Brooks:

I am writing in response to your letter of today's date.

Your letter and the accusations therein are inappropriate. Nevertheless, rather than debating the matter, we have issued new subpoenas to all parties that may have been served on or before January 3, 2006, excepting parties that previously confirmed that they have no responsive documents and things. The new subpoenas are enclosed. A revised Schedule A also is enclosed. Each new subpoena will be served with a letter explaining that the prior subpoena to the party has been withdrawn. We anticipate that the subpoenas likely will be served later this week.

Sincerely,



Christopher V. Carani

Enclosures

EXHIBIT 2

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Aberdare Ventures**
One Embarcadero Center, Suite 4000
San Francisco, CA 94111

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

<input type="checkbox"/>	YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.
--------------------------	--

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

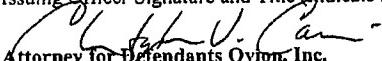
<input checked="" type="checkbox"/>	YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
	See attached Schedule A

PLACE	DATE AND TIME
One Embarcadero Center, Suite 4000 San Francisco, CA 94111	January 30, 2006 at 10:00 a.m.

<input type="checkbox"/>	YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.
PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court
Northern District of Georgia

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Accuitive Medical Ventures
 27500 Premiere Parkway, Suite 200
 Duluth, GA 30097

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

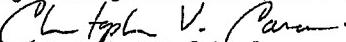
PLACE	DATE AND TIME
27500 Premiere Parkway, Suite 200 Duluth, GA 30097	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani

McAndrews, Held & Malloy

500 West Madison, 34th Floor

Chicago, IL 60661

(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Alta Partners**
One Embarcadero Center, Suite 4050
San Francisco, CA 94111

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

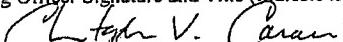
PLACE	DATE AND TIME
One Embarcadero Center, Suite 4050 San Francisco, CA 94111	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Eastern District of Michigan

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MEL
Currently pending in the United States District Court for the
District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Arboretum Ventures
334 E. Washington Street
Ann Arbor, MI 48104

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE 334 E. Washington Street Ann Arbor, MI 48104	DATE AND TIME January 30, 2006 at 10:00 a.m.
--	---

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
 Middle District of North Carolina

SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **The Aurora Funds, Inc.**
 2525 Meridian Parkway, Suite 220
 Durham, NC 27713

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
2525 Meridian Parkway, Suite 220 Durham, NC 27713	January 30, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister

Date
 January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
 DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Canaan Partners**
2765 Sand Hill Road
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

<input type="checkbox"/> YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

<input checked="" type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):	See attached Schedule A
--	-------------------------

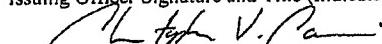
PLACE 2765 Sand Hill Road Menlo Park, CA 94025	DATE AND TIME January 30, 2006 at 10:00 a.m.
--	---

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani

McAndrews, Held & Malloy

500 West Madison, 34th Floor

Chicago, IL 60661

(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
 Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

 CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts
Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister
 TO: **CDIB Ventures**
 3945 Freedom Circle, Suite 270
 Santa Clara, CA 95054

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
3945 Freedom Circle, Suite 270 Santa Clara, CA 95054	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister

 Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court
Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: CMEA Ventures
 One Embarcadero Center, Suite 3250
 San Francisco, CA 94111

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

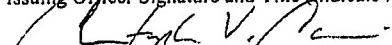
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
One Embarcadero Center, Suite 3250 San Francisco, CA 94111	January 30, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister

 Date
 January 9, 2006

 Issuing Officer's Name, Address, and Phone Number
 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
District of Massachusetts

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Cutlass Capital, LLC**
 84 State Street, Suite 1040
 Boston, MA 02109

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

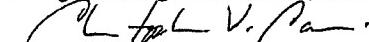
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
84 State Street, Suite 1040 Boston, MA 02109	January 30, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court
Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Cutlass Capital, LLC**
1750 Montgomery Street
San Francisco, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
	DATE AND TIME

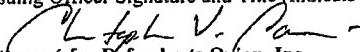
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE	DATE AND TIME
1750 Montgomery Street San Francisco, CA 94025	January 30, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
 Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
 Date
 January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE**SIGNATURE OF SERVER****ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
 Northern District of California

SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

v.

 CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts
Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **De Novo Ventures**
1550 El Camino Real, Suite 150
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

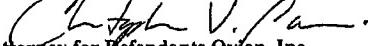
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
1550 El Camino Real, Suite 150 Menlo Park, CA 94025	January 30, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani

McAndrews, Held & Malloy

500 West Madison, 34th Floor

Chicago, IL 60661

(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Central District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MEL
Currently pending in the United States District Court for the
District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Domain Associates, LLC
28202 Cabot Road, Suite 200
Laguna Niguel, CA 92677

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
28202 Cabot Road, Suite 200 Laguna Niguel, CA 92677	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani

McAndrews, Held & Malloy

500 West Madison, 34th Floor

Chicago, IL 60661

(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential

research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
 District of New Jersey

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Domain Associates, LLC**
 One Palmer Square, Suite 515
 Princeton, NJ 08542

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

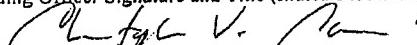
PLACE	DATE AND TIME
One Palmer Square, Suite 515 Princeton, NJ 08542	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MEL
**Currently pending in the United States District Court for the
District of Massachusetts**

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Draper Fisher Jurvetson ePlanet Ventures
400 Seaport Court, Suite 102
Redwood City, CA 94063

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

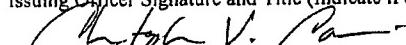
PLACE	DATE AND TIME
400 Seaport Court, Suite 102 Redwood City, CA 94063	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE**SIGNATURE OF SERVER****ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Southern District of New York

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MEL
Currently pending in the United States District Court for the
District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Easton Hunt Capital Partners, L.P.
767 Third Avenue (at 48th Street), 7th Floor
New York, NY 10017

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

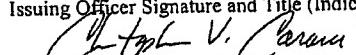
PLACE	DATE AND TIME
767 Third Avenue (at 48th Street), 7th Floor New York, NY 10017	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Essex Woodlands Health Ventures**
435 Tasso Street, Suite 305
Palo Alto, CA 94301

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

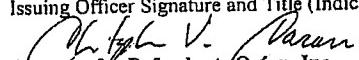
PLACE	DATE AND TIME
435 Tasso Street, Suite 305 Palo Alto, CA 94301	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006Issuing Officer's Name, Address, and Phone Number
Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Western District of Washington

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

V.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Frazier Healthcare Ventures**
601 Union
Two Union Square, Suite 3200
Seattle, WA 98101

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

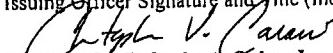
PLACE	DATE AND TIME
601 Union Two Union Square, Suite 3200 Seattle, WA 98101	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
 January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Frazier Healthcare Ventures**
550 Hamilton Ave., Suite 100
Palo Alto, CA 94301

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

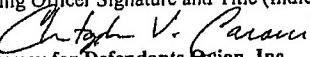
PLACE	DATE AND TIME
550 Hamilton Ave., Suite 100 Palo Alto, CA 94301	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Muskete Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **InterWest Partners**
2710 Sand Hill Road, Second Floor
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

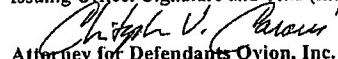
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE 2710 Sand Hill Road, Second Floor Menlo Park, CA 94025	DATE AND TIME January 30, 2006 at 10:00 a.m.
--	--

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. **Federal Rules of Civil Procedure, 30(b)(6).**

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number
Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **INVESCO Private Capital**
525 University Avenue, Suite 600
Palo Alto, CA 94301

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

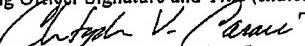
PLACE 525 University Avenue, Suite 600 Palo Alto, CA 94301	DATE AND TIME January 30, 2006 at 10:00 a.m.
--	---

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani

McAndrews, Held & Malloy

500 West Madison, 34th Floor

Chicago, IL 60661

(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **JP Morgan**
50 California Street, 29th Floor
San Francisco, CA 94111

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

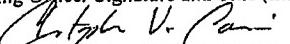
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
50 California Street, 29th Floor San Francisco, CA 94111	January 30, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Attorney for Defendants Ovion, Inc.,
William S. Tremulis, and Jeffrey P. CallisterDate
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court
Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Latterell Venture Partners**
Four Embarcadero Center, Suite 2500
San Francisco, CA 94111

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
Four Embarcadero Center, Suite 2500 San Francisco, CA 94111	January 30, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)	Date
Christopher V. Carani McAndrews, Held & Malloy 500 West Madison, 34th Floor Chicago, IL 60661 (312) 775-8000	January 9, 2006

Issuing Officer's Name, Address, and Phone Number
Christopher V. Carani McAndrews, Held & Malloy 500 West Madison, 34th Floor Chicago, IL 60661 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
 DATE _____

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **MedVenture Associates**
5980 Horton Street, Suite 390
Emeryville, CA 94608

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
5980 Horton Street, Suite 390 Emeryville, CA 94608	January 30, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants Ovion, Inc.William S. Tremulis, and Jeffrey P. CallisterDate
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court
Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Morgenthaler Ventures
 2710 Sand Hill Road, Suite 100
 Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

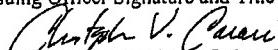
PLACE	DATE AND TIME
2710 Sand Hill Road, Suite 100 Menlo Park, CA 94025	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court
District of Massachusetts

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **MPM Capital**
The John Hancock Tower
2900 Clarendon Street, 54th Floor
Boston, MA 02116

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
The John Hancock Tower 2900 Clarendon Street, 54th Floor Boston, MA 02116	January 30, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MEL
Currently pending in the United States District Court for the
District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: MPM Capital
601 Gateway Blvd., Suite 350
South San Francisco, CA 94080

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

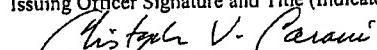
PLACE	DATE AND TIME
601 Gateway Blvd., Suite 350 South San Francisco, CA 94080	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MEL
Currently pending in the United States District Court for the
District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: NEA
2490 Sand Hill Road
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

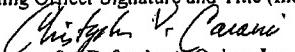
PLACE	DATE AND TIME
2490 Sand Hill Road Menlo Park, CA 94025	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

 Date
 January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **ONSET Ventures**
2400 Sand Hill Road, Suite 150
Menlo Park, California 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

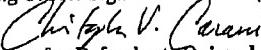
PLACE	DATE AND TIME
2400 Sand Hill Road, Suite 150 Menlo Park, California 94025	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE SIGNATURE OF SERVER

ADDRESS OF SERVER _____

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Pequot Ventures**
2500 Sand Hill Road, Suite 203
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE	DATE AND TIME
2500 Sand Hill Road, Suite 203 Menlo Park, CA 94025	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer's Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court
District of Massachusetts

SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Pequot Ventures**
 40 William Street, Suite 305
 Wellesley, MA 02481

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
40 William Street, Suite 305 Wellesley, MA 02481	January 30, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number
 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
 District of Massachusetts

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

 CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts
Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Polaris Venture Partners**
1000 Winter Street, Suite 3350
Waltham, MA 02451

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
1000 Winter Street, Suite 3350 Waltham, MA 02451	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Attorney for Defendants Ovion, Inc.**William S. Tremulis, and Jeffrey P. Callister**
 Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani**McAndrews, Held & Malloy****500 West Madison, 34th Floor****Chicago, IL 60661****(312) 775-8000**

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
 Western District of Washington

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Polaris Venture Partners**
 1000 2nd Ave., Suite 3100
 Seattle, WA 98104

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
1000 2nd Ave., Suite 3100 Seattle, WA 98104	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani

McAndrews, Held & Malloy

500 West Madison, 34th Floor

Chicago, IL 60661

(312) 775-8000

Date
January 9, 2006

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE SIGNATURE OF SERVER

ADDRESS OF SERVER _____

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
 Southern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MEL
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: POSCO BioVentures
2121 Palomar Airport Rd., Suite 300
Carlsbad, CA 92011

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE	DATE AND TIME
2121 Palomar Airport Rd., Suite 300 Carlsbad, CA 92011	February 10, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
 Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
 January 9, 2006

Issuing Officer's Name, Address, and Phone Number
 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court
District of Massachusetts

SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: **Prism Venture Partners**
100 Lowder Brook Drive, Suite 2500
Westwood, MA 02090

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE

DATE AND TIME

100 Lowder Brook Drive, Suite 2500
 Westwood, MA 02090

January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
 January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani

McAndrews, Held & Malloy

500 West Madison, 34th Floor

Chicago, IL 60661

(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME) MANNER OF SERVICE

SERVED BY (PRINT NAME) TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

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(d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Southern District of New York

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MEL
Currently pending in the United States District Court for the
District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Radius Ventures, LLC
400 Madison Avenue, 8th Floor
New York, NY 10017

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE	DATE AND TIME
400 Madison Avenue, 8th Floor New York, NY 10017	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani

McAndrews, Held & Malloy

500 West Madison, 34th Floor

Chicago, IL 60661

(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
DATE**SIGNATURE OF SERVER****ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
 Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

 CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts
Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Skyline Ventures**
125 University Avenue
Garden Level
Palo Alto, CA 94301

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

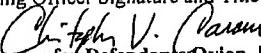
PLACE	DATE AND TIME
125 University Avenue Garden Level Palo Alto, CA 94301	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister

 Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

V.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Sprout Group**
3000 Sand Hill Road
Building 3, Suite 170
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

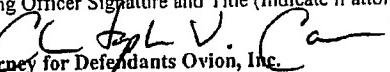
PLACE	DATE AND TIME
11 Madison Avenue, Floor 13 New York, NY 10010	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

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(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

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Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Sutter Hill Ventures**
755 Page Mill Road, Suite A-200
Palo Alto, CA 94304-1005

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

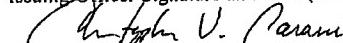
PLACE	DATE AND TIME
755 Page Mill Road, Suite A-200 Palo Alto, CA 94304-1005	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani

McAndrews, Held & Malloy

500 West Madison, 34th Floor

Chicago, IL 60661

(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER**Rule 45, Federal Rules of Civil Procedure, Parts C & D****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

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(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

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(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: Thomas Weisel Healthcare Venture Partners, L.P.
One Montgomery Tower
One Montgomery Street
San Francisco, CA 94104

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

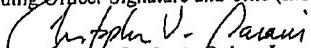
PLACE	DATE AND TIME
One Montgomery Tower One Montgomery Street San Francisco, CA 94104	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
Christopher V. Carani
William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Thomas, McNerney & Partners**
 One Market
 Steuart Tower, Suite 1030
 San Francisco, CA 94105

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

<input type="checkbox"/>	YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.
PLACE OF DEPOSITION	DATE AND TIME

<input checked="" type="checkbox"/>	YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):
PLACE	DATE AND TIME

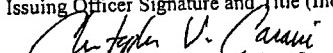
One Market
 Steuart Tower, Suite 1030
 San Francisco, CA 94105

January 30, 2006 at 10:00 a.m.

<input type="checkbox"/>	YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.
PREMISES	DATE AND TIME

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Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Christopher V. Carani
 Attorney for Defendants Ovion, Inc.

Date
 January 9, 2006

William S. Tremulis, and Jeffrey P. Callister

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

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- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MEL
Currently pending in the United States District Court for the
District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: U.S. Venture Partners
2735 Sand Hill Road
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

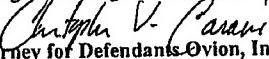
PLACE	DATE AND TIME
2735 Sand Hill Road Menlo Park, CA 94025	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Vantage Point Venture Partners
1001 Bayhill Drive, Suite 300
San Bruno, CA 94066

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

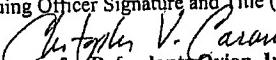
PLACE	DATE AND TIME
1001 Bayhill Drive, Suite 300 San Bruno, CA 94066	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)



Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

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AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

V.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Versant Ventures**
3000 Sand Hill Road
Bldg. 4, Suite 210
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

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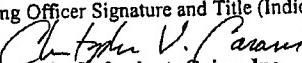
PLACE	DATE AND TIME
3000 Sand Hill Road Bldg. 4, Suite 210 Menlo Park, CA 94025	January 30, 2006 at 10:00 a.m.

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PREMISES	DATE AND TIME
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Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister
Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

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AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Warburg Pincus LLC**
850 Oak Grove Avenue
Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

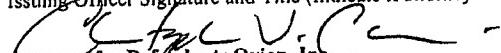
PLACE	DATE AND TIME
850 Oak Grove Avenue Menlo Park, CA 94025	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. CallisterDate
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER**

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Western District of Washington

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **John F. Harris**
140 Fourth Avenue North, Suite 370
Seattle, WA 98109

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
140 Fourth Avenue North, Suite 370 Seattle, WA 98109	January 30, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
 Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. CallisterDate
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE**

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER _____

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts

business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
(ii) requires disclosure of an unretained expert's opinion or

information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT 3

SCHEDULE A

Definitions

As used herein:

- A. The term "Ovion" means Ovion, Inc..
- B. The term "Mr. Tremulis" means William S. Tremulis, an individual.
- C. The term "Mr. Callister" means Jeffrey P. Callister, an individual.
- D. The term "MRA" means Musket Research Associates, Inc., and any related foreign or U.S. companies, divisions, or subsidiaries, past or present, and each predecessor business entity, whether incorporated or not, and the directors, officers, employees, agents, or attorneys thereof.
- E. The term "Mr. Musket" or "Musket" means David B. Musket, an individual.
- F. The term "Ms. Latterman" or "Latterman" means Sue Ann Latterman, an individual.
- G. The term "AMS" means American Medical Systems, Inc., and any related foreign or U.S. companies, divisions, or subsidiaries, past or present, and each predecessor business entity, whether incorporated or not, and the directors, officers, employees, agents, or attorneys thereof.
- H. The term "ProMed" means ProMed Partners, L.P., ProMed Partners II, L.P., ProMed Offshore Fund, Ltd., ProMed Management, Inc., ProMed Asset Management, L.L.C., and any related foreign or U.S. companies, divisions, or subsidiaries, past or present, and each predecessor business entity, whether incorporated or not, and the directors, officers, employees, agents, or attorneys thereof.
- I. The term "DBM" means DBM Corporate Consulting, Ltd., and any related foreign or U.S. companies, divisions, or subsidiaries, past or present, and each predecessor business entity, whether incorporated or not, and the directors, officers, employees, agents, or attorneys thereof.

J. The terms, "document," "documents," or "documents and things," means documents and things as broadly defined in Rule 34 of the Federal Rules of Civil Procedure, and includes papers of all kinds and non-paper information storage means, including by way of example and without limitation, originals and copies, however made, of letters, memoranda, notes, computer generated data, calendars, records, minutes, studies, reports, notebooks, messages, telegrams, ledgers, legal instruments, agreements, drawings, sketches, graphs, prints, hand-written notes, rough drafts, secretarial notes, work pads, diaries, films, tapes, videotapes, pictures, photographs, books, pamphlets, publications, advertisements, sales literature, brochures, manuals, price lists, announcements, electronic mail messages, or any other writings, records, or tangible objects produced or reproduced mechanically, electrically, electronically, photographically, or chemically. A draft or non-identical copy is a separate document within the meaning on this term.

K. The term "communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise), including any oral or written utterance, notation, or statement of any nature whatsoever, specifically including but not limited to letters, personal or telephonic conversations, discussions, interviews, or consultations; any type of telegraphic, telecommunicated, or telecopied message; any type of electronically received, transmitted, or stored message, note, letter, memorandum, or correspondence; and any writing that evidences or reflects any such communication.

L. The term "person" means any natural person or any business, legal, or governmental entity or association, and the acts and knowledge of a "person" as used herein are defined to include acts and knowledge of directors, officers, employees, agents, representatives, and attorneys acting on behalf of such "person."

M. The connectives "and," "or," and "and/or" shall be construed either disjunctively or conjunctively, as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

N. The word "each" as used herein includes the word "every," and the word "every" as used herein includes the word "each," as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

O. The word "any" as used herein includes the word "all," and the word "all" as used herein includes the word "any," as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

P. The term "all" shall be construed to include the term "each," and "each" shall be construed to include the term "all," as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

Q. The use of the singular form of any word includes the plural and vice-versa, as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

R. The term "concerning" means referring to, relating to, describing, evidencing, or constituting.

Documents And Things To Be Produced

1. Produce all documents and things concerning any and all of the following: Ovion Inc., William S. Tremulis ("Steve Tremulis"), and Jeffrey P. Callister ("Jeff Callister").

2. Produce all documents and things concerning any and all of the following: Musket Research Associates, Inc. ("MRA"), David B. Musket ("David Musket"), and Sue Ann Latterman.

3. Produce all documents and things concerning information or materials provided after June, 2004, by MRA, David Musket, and/or Sue Ann Latterman, including information or materials concerning any and all of the following: American Medical Systems, Inc. ("AMS"), Conceptus, Inc., and Adiana, Inc.

4. Produce all documents and things concerning any and all of the following:
ProMed, DBM, and DBM Corporate Consulting, Ltd.
5. Produce all documents and things concerning the collection, retention, or destruction of any documents or things within the scope of categories 1-4 herein.

EXHIBIT 4

Ames, Brooks A.

From: ccarani@mhmlaw.com
Sent: Tuesday, January 10, 2006 7:36 PM
To: ccarani@mhmlaw.com; Ames, Brooks A.
Subject: RE: Musket Research Associates, Inc. v. Ovion



Pequot Subpoenas
1-10-06.pdf (...)

Brooks,

Please find the attached subpoenas that we have issued to Pequot Ventures. We plan to have them served by the end of the week.

-Regards, Chris

Christopher V. Carani
McAndrews, Held & Malloy, Ltd.
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
Tel: (312) 775-8000
Fax: (312) 775-8100
www.mhmlaw.com

CONFIDENTIALITY NOTICE:

This Material is intended for the named recipient and, unless otherwise expressly indicated, is confidential and privileged information. Any dissemination, distribution or copying of this material is prohibited. If you received this message in error, please notify the sender by replying to this message and then delete it from your system. Your cooperation is appreciated.

EXHIBIT 5

Issued by the

United States District Court

Northern District of California

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Pequot Ventures
 2500 Sand Hill Road, Suite 203
 Menlo Park, CA 94025

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

<input type="checkbox"/> YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

<input checked="" type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):	See attached Schedule A
PLACE 2500 Sand Hill Road, Suite 203 Menlo Park, CA 94025	DATE AND TIME February 3, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	
PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


 Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

 Date
 January 9, 2006

Issuing Officer's Name, Address, and Phone Number

 Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED**SERVED ON (PRINT NAME)****MANNER OF SERVICE****SERVED BY (PRINT NAME)****TITLE****DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER**ADDRESS OF SERVER****Rule 45, Federal Rules of Civil Procedure, Parts C & D****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
District of Massachusetts

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **Pequot Ventures**
40 William Street, Suite 305
Wellesley, MA 02481

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
40 William Street, Suite 305 Wellesley, MA 02481	February 3, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants Ovion, Inc.

William S. Tremulis, and Jeffrey P. Callister

Date
January 9, 2006

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

DATE PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____

DATE

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

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(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

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(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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EXHIBIT I

EXHIBIT 1

Ames, Brooks A.

From: ccarani@mhmlaw.com
Sent: Wednesday, January 11, 2006 12:31 PM
To: Ames, Brooks A.
Subject: MRA v. Ovion



1-09-06 Cover
letters.pdf (1 M...)



1-10-06 Cover
letters.pdf (3 M...)

Brooks:

Per your request, I have attached copies of the cover letters sent with the new subpoenas.

Please be advised that we will not serve the subpoenas to Pequot Ventures that we sent you on January 9. Instead, we are serving the subpoenas to Pequot Ventures that we sent you yesterday. The difference is the compliance date, February 3 instead of January 30. Also, the first subpoena to Sprout Group, which issued on December 22, has not and will not be served.

Many of the subpoenaed parties have indicated that they will produce documents and things by sending them (or copies thereof) to our offices in Chicago. I will mail you copies of documents and things that we receive in response to the subpoenas. We likely will add Bates numbers to the documents.

Regards, Chris

Christopher V. Carani
McAndrews, Held & Malloy, Ltd.
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
Tel: (312) 775-8000
Fax: (312) 775-8100
www.mhmlaw.com

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This Material is intended for the named recipient and, unless otherwise expressly indicated, is confidential and privileged information. Any dissemination, distribution or copying of this material is prohibited. If you received this message in error, please notify the sender by replying to this message and then delete it from your system. Your cooperation is appreciated.

EXHIBIT 2

LAW OFFICES

McANDREWS, HELD & MALLOY, LTD.

34TH FLOOR

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OF COUNSEL
S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Aberdare Ventures
One Embarcadero Center, Suite 4000
San Francisco, CA 94111

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

You previously received a subpoena, which issued on December 22, 2005, in this matter.

The attorneys for Musket Research Associates have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the subpoena that issued on December 22, 2005. With this letter, you will receive a new subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. It is not necessary to produce documents and things that you already produced. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Sincerely,

Christopher V. Carani

CVC/pw
Enclosure

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Via Hand Delivery

Accuitive Medical Ventures
27500 Premiere Parkway, Suite 200
Duluth, GA 30097

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
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*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Alta Partners
One Embarcadero Center, Suite 4050
San Francisco, CA 94111

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al*

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Sincerely,

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CVC/pw
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*ADMITTED TO PRACTICE IN GA

January 9, 2006

Via Hand Delivery

Canaan Partners
 2765 Sand Hill Road
 Menlo Park, CA 94025

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CDIB Ventures
 3945 Freedom Circle, Suite 270
 Santa Clara, CA 95054

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 CHRISTINA F. POLYN

OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Cutlass Capital, LLC
 84 State Street, Suite 1040
 Boston, MA 02109

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v Ovion, Inc., et al.*

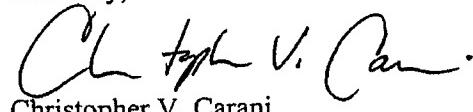
To Whom It May Concern:

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Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. It is not necessary to produce documents and things that you already produced. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Sincerely,



Christopher V. Carani

CVC/pw
 Enclosure

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OF COUNSEL
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*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Cutlass Capital, LLC
 1750 Montgomery Street
 San Francisco, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

De Novo Ventures
 1550 El Camino Real, Suite 150
 Menlo Park, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Domain Associates, LLC
 28202 Cabot Road, Suite 200
 Laguna Niguel, CA 92677

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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Christopher V. Carani

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*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Domain Associates, LLC
 One Palmer Square, Suite 515
 Princeton, NJ 08542

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
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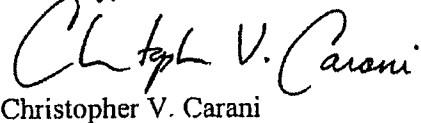
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Sincerely,


 Christopher V. Carani

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*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Draper Fisher Jurvetson ePlanet Ventures
 400 Seaport Court, Suite 102
 Redwood City, CA 94063

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al*

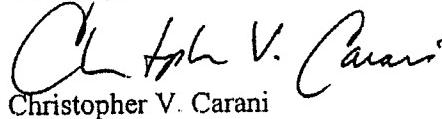
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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Easton Hunt Capital Partners, L.P.
 767 Third Avenue (at 48th Street), 7th Floor
 New York, NY 10017

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

You previously received a subpoena, which issued on December 22, 2005, in this matter.

The attorneys for Musket Research Associates have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the subpoena that issued on December 22, 2005. With this letter, you will receive a new subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. It is not necessary to produce documents and things that you already produced. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Sincerely,

Christopher V. Carani

CVC/pw
 Enclosure

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S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Essex Woodlands Health Ventures
435 Tasso Street, Suite 305
Palo Alto, CA 94301

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Frazier Healthcare Ventures
 601 Union
 Two Union Square, Suite 3200
 Seattle, WA 98101

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

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OF COUNSEL
S. JACK SAUER

¹ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

JP Morgan
50 California Street, 29th Floor
San Francisco, CA 94111

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

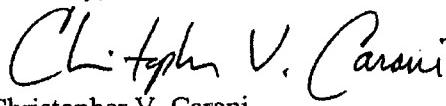
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Christopher V. Carani

CVC/pw
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 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Morgenthaler Ventures
 2710 Sand Hill Road, Suite 100
 Menlo Park, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
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CVC/pw
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*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Polaris Venture Partners
1000 Winter Street, Suite 3350
Waltham, MA 02451

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
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 CHRISTINA F. POLYN

OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Polaris Venture Partners
 1000 2nd Ave., Suite 3100
 Seattle, WA 98104

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

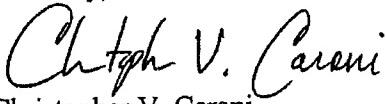
To Whom It May Concern:

You previously received a subpoena, which issued on December 22, 2005, in this matter.

The attorneys for Musket Research Associates have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the subpoena that issued on December 22, 2005. With this letter, you will receive a new subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. It is not necessary to produce documents and things that you already produced. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Sincerely,


 Christopher V. Carani

CVC/pw
 Enclosure

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*ADMITTED TO PRACTICE IN CA

OF COUNSEL
 S. JACK SAUER

January 9, 2006

Via Hand Delivery

Prism Venture Partners
 100 Lowder Brook Drive, Suite 2500
 Westwood, MA 02090

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

You previously received a subpoena, which issued on December 22, 2005, in this matter.

The attorneys for Musket Research Associates have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the subpoena that issued on December 22, 2005. With this letter, you will receive a new subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. It is not necessary to produce documents and things that you already produced. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Sincerely,

Christopher V. Carani

CVC/pw
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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Skyline Ventures
 125 University Avenue
 Garden Level
 Palo Alto, CA 94301

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

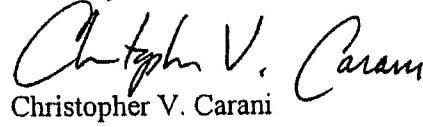
To Whom It May Concern:

You previously received a subpoena, which issued on December 22, 2005, in this matter.

The attorneys for Musket Research Associates have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the subpoena that issued on December 22, 2005. With this letter, you will receive a new subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. It is not necessary to produce documents and things that you already produced. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Sincerely,


 Christopher V. Carani

CVC/pw
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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Sprout Group
 3000 Sand Hill Road
 Building 3, Suite 170
 Menlo Park, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

You previously received a subpoena, which issued on January 4, 2006, in this matter.

The attorneys for Musket Research Associates have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the subpoena that issued on January 4, 2006. With this letter, you will receive a new subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. It is not necessary to produce documents and things that you already produced. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Sincerely,



Christopher V. Carani

CVC/pw
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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 9, 2006

Via Hand Delivery

Thomas Weisel Healthcare Venture Partners, L.P.
 One Montgomery Tower
 One Montgomery Street
 San Francisco, CA 94104

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

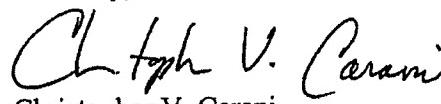
To Whom It May Concern:

You previously received a subpoena, which issued on December 22, 2005, in this matter.

The attorneys for Musket Research Associates have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the subpoena that issued on December 22, 2005. With this letter, you will receive a new subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. It is not necessary to produce documents and things that you already produced. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Sincerely,


 Christopher V. Carani

CVC/pw
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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 10, 2006

Via Federal Express

Mark A. Robertson
 666 Fifth Avenue, 31st Floor
 New York, NY 10103-3198

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Mark:

I have enclosed a subpoena to Radius Ventures, LLC in this matter. Thank you for agreeing to accept service.

As you are aware, we previously issued a subpoena to Radius Ventures, LLC in this matter. The Plaintiff's attorneys have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the previous subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on Radius Ventures, LLC in responding to the subpoena. It is not necessary to produce documents and things that Radius Ventures, LLC produced previously. I understand that, to the extent Radius Ventures, LLC produces documents and things, they will be produced by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,

Christopher V. Carani

CVC/pw
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January 10, 2006

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—
OF COUNSEL
S. JACK SAUER
*ADMITTED TO PRACTICE IN CA

Via Federal Express

Grant P. Fondo
Cooley Godward LLP
Five Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Grant:

I have enclosed subpoenas to Versant Ventures, ONSET Ventures, Sutter Hill Ventures, and InterWest Partners in this matter. Thank you for agreeing to accept service.

As you are aware, we previously issued a subpoena to each of these parties in this matter. The Plaintiff's attorneys have raised concerns regarding those subpoenas. To address their concerns, we are withdrawing the previous subpoenas.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on these parties in responding to the subpoenas. It is not necessary to produce documents and things that these parties produced previously. I understand that, to the extent these parties produce documents and things, they will be produced by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,

Christopher V. Carani

CVC/ams
Enclosure

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*ADMITTED TO PRACTICE IN CA

Via Federal Express

Harold Jordan
 INVESCO Private Capital
 1360 Peachtree Street, Suite 100
 Atlanta, GA 30309

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Harold:

I have enclosed a subpoena to INVESCO Private Capital in this matter. Thank you for agreeing to accept service.

As you are aware, we previously issued a subpoena to INVESCO Private Capital in this matter. The Plaintiff's attorneys have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the previous subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on INVESCO Private Capital in responding to the subpoena. It is not necessary to produce documents and things that INVESCO Private Capital produced previously. I understand that, to the extent INVESCO Private Capital produces documents and things, they will be produced by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,

Christopher V. Carani

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OF COUNSEL
 S. JACK SAUER

January 10, 2006

Via Federal Express

Stephen A. Scott
 Hayes Davis Ellingson McLay & Scott
 203 Redwood Shore Pkwy, Suite 480
 Redwood Shores, CA 94065

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Steve:

I have enclosed a subpoena to U.S. Venture Partners in this matter. Thank you for agreeing to accept service.

As you are aware, we previously issued a subpoena to U.S. Venture Partners in this matter. The Plaintiff's attorneys have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the previous subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on U.S. Venture Partners in responding to the subpoena. It is not necessary to produce documents and things that U.S. Venture Partners produced previously. I understand that, to the extent U.S. Venture Partners produces documents and things, they will be produced by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,

Christopher V. Carani

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*ADMITTED TO PRACTICE IN CA

January 10, 2006

Via Federal Express

Richard B. Ulmer
 Latham & Watkins LLP
 135 Commonwealth Dr.
 Menlo Park, CA 94025

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Dick:

I have enclosed a subpoena to Vantage Point Venture Partners in this matter. Thank you for agreeing to accept service.

As you are aware, we previously issued a subpoena to Vantage Point Venture Partners in this matter. The Plaintiff's attorneys have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the previous subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on Vantage Point Venture Partners in responding to the subpoena. It is not necessary to produce documents and things that Vantage Point Venture Partners produced previously. I understand that, to the extent Vantage Point Venture Partners produces documents and things, they will be produced by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,

Christopher V. Carani

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S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 10, 2006

Via Federal Express

Scott A. Arenare

Warbury Pincus

466 Lexington Ave.

New York, NY 10017

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Scott:

I have enclosed a subpoena to Warbury Pincus in this matter. Thank you for agreeing to accept service.

As you are aware, we previously issued a subpoena to Warbury Pincus in this matter. The Plaintiff's attorneys have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the previous subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on Warbury Pincus in responding to the subpoena. It is not necessary to produce documents and things that Warbury Pincus produced previously. I understand that, to the extent Warbury Pincus produces documents and things, they will be produced by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,

Christopher V. Carani

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 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 10, 2006

Via Federal Express

Roger A. Lane
 Greenberg Traurig
 One International Place
 Boston, MA 02110

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Roger:

I have enclosed a subpoena to NEA in this matter. Thank you for agreeing to accept service.

As you are aware, we previously issued a subpoena to NEA in this matter. The Plaintiff's attorneys have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the previous subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on NEA in responding to the subpoena. It is not necessary to produce documents and things that NEA produced previously. I understand that, to the extent NEA produces documents and things, they will be produced by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,


 Christopher V. Carani

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 PATRICK V. BRADLEY
 CHRISTINA F. POLYN

OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 10, 2006

Via Federal Express

John W. Vander Vort, General Partner & COO
 MPM Capital
 200 Clarendon Street, 54th Floor
 Boston, MA 02116

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear John:

I have enclosed the revised subpoenas directed to MPM Capital (both CA and MA) in this matter. Per my conversation with Rob Liptak on January 10, we thank MPM for agreeing to accept service.

As I informed Rob, we previously issued a subpoena to MPM Capital in this matter. The Plaintiff's attorneys have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the previous subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on MPM Capital in responding to the subpoena. It is not necessary to produce documents and things that MPM Capital produced previously. I understand that, to the extent MPM Capital produces documents and things, they will be produced by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,



Christopher V. Carani

CVC/pw
 Enclosure

LAW OFFICES

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January 10, 2006

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DAVID D. HEADRICK	RONALD A. DICERBO
ALEJANDRO MENCHACA	JENNIFER E. LACROIX

Via Federal Express

c/o Carol Dickey
MedVenture Associates
5980 Horton Street, #390
Emeryville, CA 94608

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Carol:

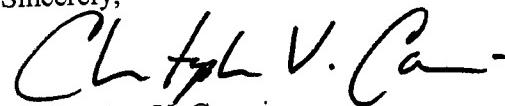
I have enclosed a subpoena to MedVenture Associates in this matter. Thank you for
agreeing to accept service.

As you are aware, we previously issued a subpoena to MedVenture Associates in this
matter. The Plaintiff's attorneys have raised concerns regarding that subpoena. To address their
concerns, we are withdrawing the previous subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or
expense on MedVenture Associates in responding to the subpoena. It is not necessary to produce
documents and things that MedVenture Associates produced previously.

Thank you for your cooperation.

Sincerely,


 Christopher V. Carani

CVC/pw
Enclosure

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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 10, 2006

Via Federal Express

Howard Holderness
 Morgan, Lewis & Bockius LLP
 One Market, Spear Tower
 San Francisco, CA 94105

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Howard:

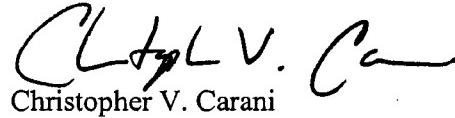
I have enclosed a subpoena to POSCO in this matter. Thank you for agreeing to accept service.

As you are aware, we previously issued a subpoena to POSCO in this matter. The Plaintiff's attorneys have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the previous subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on POSCO in responding to the subpoena. It is not necessary to produce documents and things that POSCO produced previously. I understand that, to the extent POSCO produces documents and things, they will be produced by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,



Christopher V. Carani

CVC/pw
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—
 OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 10, 2006

Via Federal Express

Lucinda J. Ringer
 Kirkland & Ellis LLP
 Citigroup Center
 153 East 53rd Street
 New York, NY 10022

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Cindy:

I have enclosed subpoenas to Pequot Ventures in this matter. Thank you for agreeing to accept service.

As you are aware, we previously issued subpoenas to Pequot Ventures in this matter. The Plaintiff's attorneys have raised concerns regarding those subpoenas. To address their concerns, we are withdrawing the previous subpoenas.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on Pequot Ventures in responding to the subpoenas. It is not necessary to produce documents and things that Pequot Ventures produced previously. I understand that, to the extent Pequot Ventures produces documents and things, they will be produced by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,

Christopher V. Carani

CVC/ams
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OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 10, 2006

Via Hand Delivery

Frazier Healthcare Ventures
 601 Union
 Two Union Square, Suite 3200
 Seattle, WA 98101

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

You previously received a subpoena, which issued on December 22, 2005, in this matter.

The attorneys for Musket Research Associates have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the subpoena that issued on December 22, 2005. With this letter, you will receive a new subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. It is not necessary to produce documents and things that you already produced. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Sincerely,

Christopher V. Carani

CVC/pw
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—
 OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

January 10, 2006

Via Hand Delivery

Arboretum Ventures
 334 E. Washington Street
 Ann Arbor, MI 48104

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the
 District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

To Whom It May Concern:

You previously received a subpoena, which issued on December 22, 2005, in this matter.

The attorneys for Musket Research Associates have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the subpoena that issued on December 22, 2005. With this letter, you will receive a new subpoena commanding you to produce documents and things, as specified in Schedule A attached to the subpoena, at the time and place designated in the subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. It is not necessary to produce documents and things that you already produced. As an alternative to producing documents and things at the place designated in the subpoena, you may produce the documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Sincerely,

Christopher V. Carani

CVC/pw
 Enclosure

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CHRISTOPHER J. BUCHKO
LEONARD D. CONAPINSKI
MICHAEL J. KRAUTNER
ADAM J. FAIER
JAMES H. WILLIAMS
SARAH A. KOFFLIN
ALI H. SHAH
PATRICK V. BRADLEY
CHRISTINA F. POLYN

OF COUNSEL
S. JACK SAUER
*ADMITTED TO PRACTICE IN CA

January 10, 2006

Via Email

John F. Harris
BioNeuronics Corporation
140 4th Avenue North, Suite 370
Seattle, WA 98109
jharris@bioneuronics.com

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear John:

I have enclosed a subpoena in the above captioned matter. Thank you for agreeing to accept service by email. As you are aware, we previously issued a subpoena to you in this matter. The Plaintiff's attorneys have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the previous subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on you in responding to the subpoena. It is not necessary to produce documents and things that you produced previously, if any. I understand that you will produce documents and things by sending them (or true copies thereof) to my attention at the above address via email or Federal Express. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,



Christopher V. Carani

CVC/pw
Enclosure

LAW OFFICES

McANDREWS, HELD & MALLOY, LTD.

34TH FLOOR

GEORGE P. MCANDREWS
 JOHN J. HELD
 TIMOTHY J. MALLOY
 WILLIAM M. WESLEY
 LAWRENCE M. JARVIS
 GREGORY J. VOGLER
 JEAN DUDEK KUELPER
 HERBERT D. HART III
 ROBERT W. FIESELER
 THOMAS J. WIMBISCUS
 STEVEN J. HAMPTON
 PRISCILLA F. GALLAGHER
 STEPHEN F. SHERRY
 PATRICK J. ARNOLD JR.
 GEORGE F. WHEELER
 JANET M. McNICHOLAS
 CHRISTOPHER C. WINSLADE
 EDWARD A. MAS II
 GREGORY C. SCHODDE
 EDWARD W. REMUS
 DONALD J. POCHOPIEN
 SHARON A. HWANG
 DAVID D. HEADRICK
 ALEJANDRO MENCHACA

KIRK A. VANDER LEEST
 RICHARD T. MCCALLUEY JR.
 PETER J. MCANDREWS
 LELAND G. HANSEN
 JAMES M. HAFTERTEPE
 JONATHAN R. SICK
 ELIGIO C. PIMENTEL
 JAMES P. MURPHY
 DEAN A. PELLETIER
 MICHAEL B. HARLIN
 JAMES R. NUTTALL
 ROBERT A. SURRETTE
 JOSEPH M. BARICH
 SCOTT P. McBRIDE
 PATRICIA J. MCGRATH
 TROY A. GROETKEN
 GERALD C. WILLIS
 JOHN A. WIBERG
 WILHELM L. RAO
 SANDRA A. FRANTZEN
 RONALD H. SPUHLER
 CHRISTOPHER V. CARANI
 RONALD A. DICERBO
 JENNIFER E. LACROIX

500 WEST MADISON STREET

CHICAGO, ILLINOIS 60661

TELEPHONE: (312) 775-8000

FACSIMILE: (312) 775-8100

WWW.MHMLAW.COM

January 10, 2006

JOSEPH F. HARDING
 JOSEPH M. BUTSCHER
 SARA J. BARTOS
 JOHN L. ABRAMIC
 MICHAEL J. FITZPATRICK
 DAVID Z. PETTY
 MICHAEL T. CRUZ*
 MIRUT P. DALAL
 CHRISTOPHER N. GEORGE
 MATTHEW A. ANDERSON
 YUFENG MA
 DENNIS H. JASKOVIAK
 DEBORAH A. LAUGHTON
 WILLIAM B. GONT
 DENNIS P. HACKETT
 HOPETON S. WALKER
 SHAWN L. PETERSON
 OGNYAN I. BEREMSKI
 PHILIP M. SHERIDAN
 CHRISTOPHER R. CARROLL
 CHRISTOPHER M. SCHARFF
 CONSUELO G. ERWIN
 PETER J. PROMMER

MERLE S. ELLIOTT
 BRIAN C. BIANCO
 PAUL W. MCANDREWS
 ANDREW B. KARP
 LAURA M. PERSONICK
 JONATHAN M. RUSHMAN
 JEREMY N. GAYED
 CHRISTOPHER J. BUCHKO
 LEONARD D. CONAPINSKI
 MICHAEL J. KRAUTNER
 ADAM J. FAIER
 JAMES H. WILLIAMS
 SARAH A. KOFLIN
 ALI H. SHAH
 PATRICK V. BRADLEY
 CHRISTINA F. POLYN

—
 OF COUNSEL
 S. JACK SAUER

*ADMITTED TO PRACTICE IN CA

Via Email

James L. Quarles
 Wilmer Hale
 1455 Pennsylvania Avenue, N.W.
 Washington, DC 20004
 james.quarles@wilmerhale.com

Re: Subpoena in Civil Action No. 1:05-CV-10416-MEL, U.S. District Court for the District of Massachusetts, *Musket Research Associates, Inc. v. Ovion, Inc., et al.*

Dear Jim:

I have enclosed a subpoena to your client, Thomas, McNerney & Partners, in the above captioned matter. Please let me know if your client requires personal service. As you are aware, we previously issued a subpoena to your client in this matter. The Plaintiff's attorneys have raised concerns regarding that subpoena. To address their concerns, we are withdrawing the previous subpoena.

Please be aware that we will take reasonable steps to avoid imposing undue burden or expense on your client in responding to the subpoena. It is not necessary to produce documents and things that your client produced previously, if any. I understand that you will produce documents and things by sending them (or true copies thereof) to my attention at the above address. At your request, we will provide an account number with Federal Express for that purpose.

Thank you for your cooperation.

Sincerely,

Christopher V. Carani

CVC/pw
 Enclosure

EXHIBIT J

EXHIBIT 1



**DLA PIPER RUDNICK
GRAYCARY**

DLA Piper Rudnick Gray Cary US LLP
One International Place, 21st Floor
Boston, Massachusetts 02110-2613
T 617.406.6000
F 617.406.6100
W www.dlapiper.com

BROOKS A. AMES
brooks.ames@dlapiper.com
T 617.406.6045 F 617.406.6145

January 12, 2006

VIA E-MAIL (ccarani@mhmlegal.com)
AND FIRST-CLASS MAIL

Christopher V. Carani, Esq.
McAndrews, Held & Malloy, Ltd.
500 W. Madison Street, 34th Floor
Chicago, IL 60661

Re: *Musket Research Associates, Inc. v. Ovion, Inc., et al.*
Ovion, Inc. v. Musket Research Associates, Inc., et al.
Civil Action No. 05 10416 MEL

Dear Christopher:

I am writing to correct an error in yesterday's letter. As you correctly pointed out in our conversation yesterday, I requested the December 9 cover letters Ovion enclosed with its subpoenas of the same date only once, not twice. Thank you for bringing the error to my attention.

Sincerely,

A handwritten signature in black ink, appearing to read "B. A. Ames".

Brooks A. Ames

BAA/Inf

cc: Leland G. Hansen, Esq. (by E-Mail -- lhansen@mhmlegal.com)

EXHIBIT 2



**DLA PIPER RUDNICK
GRAY CARY**

DLA Piper Rudnick Gray Cary US LLP
One International Place, 21st Floor
Boston, Massachusetts 02110-2613
T 617.406.6000
F 617.406.6100
W www.dlapiper.com

BROOKS A. AMES
brooks.ames@dlapiper.com
T 617.406.6045 F 617.406.6145

January 11, 2006

VIA E-MAIL (lhansen@mhmlegal.com) (ccarani@mhmlegal.com)
AND FIRST-CLASS MAIL

Leland G. Hansen, Esq.
Christopher V. Carani, Esq.
McAndrews, Held & Malloy, Ltd.
500 W. Madison Street, 34th Floor
Chicago, IL 60661

Re: *Musket Research Associates, Inc. v. Ovion, Inc., et al.*
Ovion, Inc. v. Musket Research Associates, Inc., et al.
Civil Action No. 05 10416 MEL

Dear Messrs. Hansen and Carani:

This letter responds to Mr. Carani's letter sent after close of business on January 9, 2006 and his e-mail of today's date. The January 9th letter enclosed new subpoenas and revised schedules and indicated that the new subpoenas would be served with a letter explaining that the prior subpoenas had been withdrawn. Despite our January 10th request for copies of these letters, you did not send them until today and only after we made a second request.

We believe that your limited response to your admitted rules violations is too little too late and intend to file an emergency motion to quash the new subpoenas and for sanctions, which we will ask the Court to address at the January 17, 2006 hearing.

First, the explanatory letter to the venture firms, which you apparently put into the hands of process servers two days ago, is completely unacceptable. It makes absolutely no attempt to mitigate the damages caused by your gratuitous and excessive publication of the defamatory *Defendants Memorandum*. Nor does it acknowledge that you violated the federal rules by failing to give MRA prior notice of the subpoenas and the attached memorandum. It should be clear that these two issues go hand in hand. Had you given prior notice, as you acknowledge is required by Rule 45(b)(1), MRA would have immediately sought relief from the Court and prevented your defamatory memorandum from ever reaching the venture firms MRA depends on for its business.



Leland G. Hansen, Esq.
Christopher V. Carani, Esq.
January 11, 2006
Page 2

Second, the revised schedules fail to address the problems raised in our earlier letters. The subpoenas remain overbroad and unduly burdensome as well as seeking plainly irrelevant information.

Third, you have failed to explain the alleged oversight that led to our late notice. For instance, Mr. Carani has not explained why he chose to send his December 29, 2005 letter (enclosing the subpoenas and *Defendants' Memorandum* but no schedules) to us by mail (the slowest method of service possible), despite having every reason to believe it would not reach us until after dozens of venture firms had been served with the offending and libelous memorandum. It remains clear that you violated the rule purposefully and in an attempt to wreak the most possible havoc under the circumstances.

Among other sanctions, we will ask the Court to order that you instruct the venture firms to return the *Defendants' Memorandum* and inform them that it was submitted to them in violation of the federal rules. We will further request that the Court order you to write a letter of apology to MRA, David Musket, and Sue Ann Latterman and forward that letter to the venture firms. This letter will explicitly recant and apologize for the *Memorandum*'s allegation that MRA engaged in extortion in its relations with Ovion or any other client. We also intend to protect our clients' interests by moving to amend the Complaint to add additional claims against your law firm and your client for the tortious conduct.

Sincerely,

A handwritten signature in black ink, appearing to read "B. A. Ames".

Brooks A. Ames

BAA/lnf

EXHIBIT K

EXHIBIT 1

Attorney or Party without Attorney (Name and Address)		Telephone#	FOR COURT USE ONLY
CHRISTOPHER V. CARANI, ESQ. MCANDREWS HELD & MALLOY			
		Ref. No. Cr File No.	
Attorneys for:			
United States Court, Northern District and Branch Court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
Plaintiff:			
MUSKET RESEARCH ASSOCIATES, INC.			
Defendant:			
OVION, INC., et al.			
PROOF OF SERVICE	Date: 1/19/2006	Time: 10:00 a.m.	Deputy/Dra: Witness
		Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)	

I, Scott Lane, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

In this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : SPROUT GROUP
 By Serving : TRACY FURTADL, Administrator
 Address : 3000 Sand Hill Road, Bldg 3, Suite 170, Palo Alto, California 94025
 Date & Time : Tuesday, January 10, 2006 @ 10:45 a.m.
 Witness fees were : Not demanded or paid.

Person serving:
 Scott Lane
 ESQUIRE DEPOSITION SERVICES
 155 North Wacker, Suite 1000
 Chicago, Illinois 60606
 (312) 782-8087

a. Fee for service:
 d. Registered California Process Server
 (1) Employee or independent contractor
 (2) Registration No.:
 (3) County:
 (4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 10, 2006

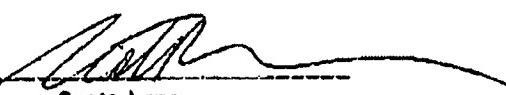
Signature: 
 Scott Lane

EXHIBIT 2

Ames, Brooks A.

From: ccarani@mhmlaw.com
Sent: Wednesday, January 11, 2006 3:52 PM
To: Ames, Brooks A.
Cc: ccarani@mhmlaw.com
Subject: RE: Musket Research Associates, Inc. v. Ovion



Proofs of Service
1-11-06.pdf ...



Proofs of Service
1-11-06 cont...

Brooks,

Please find the attached subpoena proofs of service that we recently received from our process server.

Regards, Chris

Christopher V. Carani
McAndrews, Held & Malloy, Ltd.
500 West Madison Street, Suite 3400
Chicago, Illinois 60661
Tel: (312) 775-8000
Fax: (312) 775-8100
www.mhmlaw.com

CONFIDENTIALITY NOTICE:

This Material is intended for the named recipient and, unless otherwise expressly indicated, is confidential and privileged information. Any dissemination, distribution or copying of this material is prohibited. If you received this message in error, please notify the sender by replying to this message and then delete it from your system. Your cooperation is appreciated.

Issued by the

United States District Court

Northern District of Georgia

SUBPOENA IN A CIVIL CASE**Muskete Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MEL

Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**

TO: Accutive Medical Ventures
 27500 Premiere Parkway, Suite 200
 Duluth, GA 30097

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

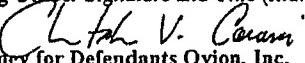
PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE	DATE AND TIME
27500 Premiere Parkway, Suite 200 Duluth, GA 30097	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
PREMISES	

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)  Christopher V. Carani Attorney for Defendants Ovion, Inc. William S. Tremulis, and Jeffrey P. Callister	Date December 22, 2005
Issuing Officer's Name, Address, and Phone Number Christopher V. Carani McAndrews, Held & Malloy 500 West Madison, 34th Floor Chicago, IL 60661 (312) 775-8000	

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

SERVED	DATE <u>12/27/05</u>	PLACE <u>2750 Premiere Drw, Ste 200 Duluth GA 30097</u>
SERVED ON (PRINT NAME) <u>Acuitive Medical Ventures</u>	MANNER OF SERVICE <u>by handing to Gerald Plotnik</u>	
SERVED BY (PRINT NAME) <u>Dennis Nowik</u>	TITLE <u>Process Server</u>	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

12/29/05C
SIGNATURE OF SERVERPOBox 7710, Atlanta GA 30357
ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, of commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
CASE NO. 1:05-CV-10416 MEL
AFFIDAVIT OF SPECIAL PROCESS SERVER**

Philip Alkhouri, being first duly sworn on oath deposes and says that he served process in the above mentioned cause.

That he served the within:

- Summons & Complaint
- Citation to Discover Assets
- Rule to Show Cause
- Subpoena
- Other:

1. By leaving a copy with the named party, ----- personally on -----.

2. On the within named party, -----, by leaving a copy with -----, -----, who states that they are a member of the household on -----, and informed that person of the contents thereof, and that further he mailed a copy of same in a sealed envelope with postage prepaid addressed to the party on -----.

3. On the within party, **Channel Medical Partners** by leaving a copy with **Dwight Brown, Office Manager and Authorized Person**, on **January 4, 2006**, and informed that person of the contents thereof.

4. That the sex, race and approximate age of the person with whom he left the documents were as follows:

SEX: Male
45

RACE: African American

APPROXIMATE AGE: 40-

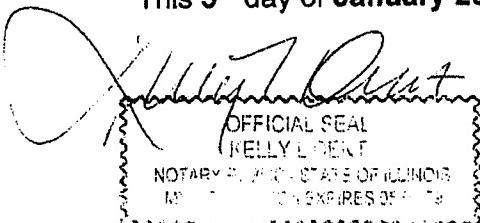
5. That the place where and the time of day when the documents were served were as follows:

PLACE: **5750 Old Orchard Rd., Ste. 310, Skokie, IL 60077**

TIME OF DAY: **12:05 PM**

6. That he was unable to serve the within named party ----- located at ----- for the reason: -----

Signed and Sworn to before me
This 5th day of January 2006.




 Philip Alkhouri
 Special Process Server
 IT'S YOUR SERVE, INC.
 Private Detective No. 117-000885



Issued by the

United States District Court
District of Massachusetts

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Cutlass Capital, LLC
84 State Street, Suite 1040
Boston, MA 02109

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts

*DAVID D. AYLES, A TRUE COPY ATTEST
AND DISINTERESTED PERSON
SERVER*

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

<input type="checkbox"/>	YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.
--------------------------	--

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

<input checked="" type="checkbox"/>	YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A
-------------------------------------	---

PLACE: 84 State Street, Suite 1040 Boston, MA 02109	DATE AND TIME January 13, 2006 at 10:00 a.m.
---	---

<input type="checkbox"/>	YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.
PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Date
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse

DECEMBER 27, 2005

QUICKSERV
ALLSTATE PROCESS SERVERS

RETURN OF SERVICE

I this day summoned the within named CUTLASS CAPITAL, LLC
to appear as within directed by delivering to ANO DAWSON, RECEPTIONIST, 9:25 AM

X in hand, or
leaving at last and usual place of abode, to wit:

No 84 STATE STREET, SUITE 1040
in the BOSTON District of said SUFFOLK County an attested
copy of the subpoena together with \$ fees for attendance and travel

Service and travel 56

it being necessary I actually used a
motor vehicle in the distance of
10 miles in the service of
this process

Paid Witness


Process Server

Attorney Or Party Without Attorney (Name and Address)		Telephone:	FOR COURT USE ONLY
CHRISTOPHER V. CARANI, ESQ. MCANDREWS HELD & MALLOY			
		Ref. No. Or File No.	
Attorneys for:			
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
Plaintiff:			
MUSKET RESEARCH ASSOCIATES, INC.			
Defendant:			
OVION, INC., et al.			
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : DE NOVO VENTURES

By Serving : ANDREA YOUNG, Director of Administration,

Address : 1550 El Camino Real, Suite 150, Menlo Park, California 94025

Date & Time : Tuesday, January 3, 2006 @ 9:36 a.m.

Witness fees were : Not demanded or paid.

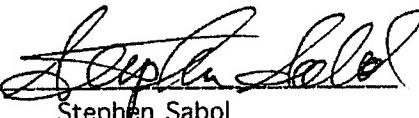
Person serving:
Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:
d. Registered California Process Server
(1) Employee or independent contractor
(2) Registration No.: 2003-0000382
(3) County: San Francisco
(4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 3, 2006

Signature:



Stephen Sabol



Attorney Or Party Without Attorney (Name and Address)		Telephone:	FOR COURT USE ONLY
CHRISTOPHER V. CARANI, ESQ. ESQUIRE DEPOSITION SERVICES 155 North Wacker, Suite 1000 Chicago, Illinois 60606		(312) 782-8087	
Attorneys for: MCANDREWS HELD & MALLOY		Ref. No. Or File No.	
		W2444867	
Insert name of court, judicial district, and branch court, if any:			
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA			
Plaintiff:			
MUSKET RESEARCH ASSOCIATES, INC.			
Defendant:			
OVION, INC., et al.			
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Surya Von Rosen , Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : DOMAIN ASSOCIATES, LLC

By Serving : SUE STONE, Authorized Agent

Address : 28202 Cabot Road, Suite 200 , Laguna Niguel, California 92677

Date & Time : Tuesday, January 3, 2006 @ 2:28 p.m.

Witness fees were : Not demanded or paid.

Person serving:

Surya Von Rosen

Wheels of Justice, Inc.

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.: 1505

(3) County: Orange

(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 3, 2006

Signature:



Surya Von Rosen



UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

INDEX NO.: 1:05-CV-10416 MEL

MUSKET RESEARCH ASSOCIATES INC.

Plaintiff(s), Petitioner(s)

against

OVION INC. ET AL

Defendant(s), Respondent(s)

AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY: COUNTY OF SOMERSET: ss:

LARRY VAN SERTIMA being duly sworn deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in New Jersey.

That on January 3, 2006 at 9:45 AM at One Palmer Square, Suite 515, Princeton, NJ 08542, deponent served the within United States District Court Subpoena on Domain Associates LLC, Witness.
(Defendant/Respondent) herein known as Recipient.

Said service was effected in the following manner;

CORPORATION/
BUSINESS ENTITY

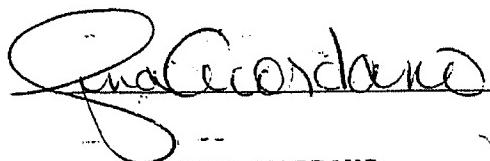
A domestic/foreign corporation, by delivering thereat a true copy of each to Lisa Kiautte personally. Deponent knew said Domain Associates LLC so served to be the domestic/foreign corporation, described as **Domain Associates LLC** and knew said individual to be the **Controller** thereof, authorized to accept service of process.

Deponent describes the individual served to the best of deponent's ability at the time and circumstances of service as follows:

Sex: Female Skin: Caucasian Hair: Blonde Age(Approx): 40's Height(Approx): 5' 7" Weight(Approx): 120-130 lbs Other:

I certify that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Sworn to before me on Tuesday, January 3, 2006



TINA GIORDANO
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 3/11/08



LARRY VAN SERTIMA, PROCESS SERVER

Attorney Or Party Without Attorney (Name and Address)		Telephone:	FOR COURT USE ONLY
CHRISTOPHER V. CARANI, ESQ. MCANDREWS HELD & MALLOY			
		Ref No. Or File No.	
Attorneys for: Insert name of court, judicial district and branch court if any:			
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
Plaintiff			
MUSKET RESEARCH ASSOCIATES, INC.			
Defendant			
OVION, INC., et al.			
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : ESSEX WOODLANDS HEALTH VENTURES

By Serving : MARIA DOWD, Office Manager

Address : 435 Tasso Street, Suite 305, Palo Alto, California 94301

Date & Time : Tuesday, January 3, 2006 @ 10:07 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

- a. Fee for service:
- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 2003-0000382
 - (3) County: San Francisco
 - (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 3, 2006

Signature: 
Stephen Sabol



Attorney Or Party Without Attorney (Name and Address) CHRISTOPHER V. CARANI, ESQ. MCANDREWS HELD & MALLOY		Telephone:	FOR COURT USE ONLY
		Ref No. Or File No.	
Attorneys for: Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
Plaintiff: MUSKET RESEARCH ASSOCIATES, INC.			
Defendant: OVION, INC., et al.			
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness
			Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : FRAZIER HEALTHCARE VENTURES

By Serving : ELIZABETH PARK, Executive Assistant

Address : 550 Hamilton Avenue, Suite 100, Palo Alto, California 94301

Date & Time : Tuesday, January 3, 2006 @ 10:28 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

- a. Fee for service:
- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 2003-0000382
 - (3) County: San Francisco
 - (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 3, 2006

Signature:



Stephen Sabol



AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Western District of Washington

SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

v

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Frazier Healthcare Ventures
601 Union
Two Union Square, Suite 3200
Seattle, WA 98101

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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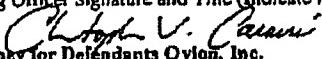
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE	DATE AND TIME
601 Union Two Union Square, Suite 3200 Seattle, WA 98101	January 13, 2006 at 10:00 a.m.

<input type="checkbox"/> YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.	DATE AND TIME
---	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)


Christopher V. Carani
Attorney for Defendants Ovion, Inc.

Date

December 22, 2005

William S. Tremulis, and Jeffrey P. Callister

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45. Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

SERVED	DATE	PLACE
1/3/06 @ 10:48am		601 Union Street #3200 Seattle WA 98101
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
Tom Hodge, CCO	Personal	
SERVED BY (PRINT NAME)	TITLE	
Tim Micek	Process Server # 441719	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 4 Jan 2006
DATE

Tim Micek
SIGNATURE OF SERVER

824 First Ave, Seattle WA 98104
ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to

attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to prevent a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party on whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

United States District Court

Western District of Washington

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **John F. Harris**
140 Fourth Avenue North, Suite 370
Seattle, WA 98109

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
140 Fourth Avenue North, Suite 370 Seattle, WA 98109	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Attorney for Defendants: Ovion, Inc.
William S. Tremulis, and Jeffrey P. CallisterDate
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Cerani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45. Federal Rules of Civil Procedure Part C & D on Reverse

PROOF OF SERVICE

SERVED	DATE	PLACE
<u>1/3/06 @ 10:55am</u>	<u>1/6</u>	<u>4th Ave N. #370</u>
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
<u>John F Harris</u>	<u>Personal</u>	
SERVED BY (PRINT NAME)	TITLE	
<u>Pat Mahoney</u>	<u>Process Server # 310580</u>	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 1/4/06
DATE

DKW
SIGNATURE OF SERVER

ADDRESS OF SERVER**Rule 45, Federal Rules of Civil Procedure, Parts C & D****(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts

business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or

(ii) requires disclosure of an unsworn expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Attorney Or Party Without Attorney (Name and Address)		Telephone:	FOR COURT USE ONLY	
CHRISTOPHER V. CARANI, ESQ. MCANDREWS HELD & MALLOY				
Attorneys for:			Ref No. Or File No.	
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA				
Plaintiff: MUSKET RESEARCH ASSOCIATES, INC.				
Defendant: OVION, INC., et al.				
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : INVESCO PRIVATE CAPITAL

By Serving : KATINA ALDRIDGE, Office Manager

Address : 525 University Avenue, Suite 600, Palo Alto, California 94301

Date & Time : Tuesday, January 3, 2006 @ 10:01 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 2003-0000382
 - (3) County: San Francisco
 - (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 3, 2006

Signature: 
Stephen Sabol



Printed on recycled paper

Attorney Or Party Without Attorney (Name and Address)		Telephone:	FOR COURT USE ONLY	
CHRISTOPHER V. CARANI, ESQ. ESQUIRE DEPOSITION SERVICES 155 North Wacker, Suite 1000 Chicago, Illinois 60606		(312) 782-8087		
Attorneys for: MCANDREWS HELD & MALLOY		Ref. No. Or File No.		
		W2444874		
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA				
Plaintiff: MUSKET RESEARCH ASSOCIATES, INC.				
Defendant: OVION, INC., et al.				
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Ronald Marcus, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : MEDVENTURE ASSOCIATES

By Serving : CHERYL ZOOK, Administration

Address : 5980 Hoton Street, Suite 390 , Emeryville, California 94608

Date & Time : Monday, January 3, 2005 @ 8:30 a.m.

Witness fees were : Not demanded or paid.

Person serving:

Ronald Marcus

Wheels of Justice, Inc.

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.: 649

(3) County: Alameda

(4) Expires: 1/31/2006

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 3, 2006

Signature: Ronald Marcus
Ronald Marcus





Issued by the

United States District Court

District of Massachusetts

SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

v.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: **MPM Capital**
The John Hancock Tower
2900 Clarendon Street, 54th Floor
Boston, MA 02116

*A TRUE COPY ATTEST
DAVID D. AYLES, PROCESS SERVER
AND DISINTERESTED PERSON*

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
The John Hancock Tower 2900 Clarendon Street, 54th Floor Boston, MA 02116	January 13, 2006 at 10:00 a.m.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Date
December 22, 2005

Christopher V. Carani
Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. Callister

Issuing Officer's Name, Address, and Phone Number
Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45. Federal Rules of Civil Procedure Parts C & D on Reverse

DECEMBER 27, 2005

QUICKSERV
ALLSTATE PROCESS SERVERS

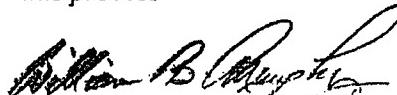
RETURN OF SERVICE

*I this day summoned the within named MPM CAPITAL
to appear as within directed by delivering to SARAH BARRETT, RECEPTIONIST, 10:25 PM*

X *in hand, or
leaving at last and usual place of abode, to wit:*

No 2900 CLAREDON STREET, 54TH FL.
in the BOSTON District of said SUFFOLK County an attested
copy of the subpoena together with \$ fees for attendance and travel

Service and travel 56 it being necessary I actually used a
Paid Witness miles in the service of
*motor vehicle in the distance of
10 miles in the service of
this process*



Process Server



Issued by the

United States District Court

District of Massachusetts

SUBPOENA IN A CIVIL CASE**Musket Research Associates, Inc.**

v.

CASE NUMBER: 1:05-CV-10416 MEL
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Pequot Ventures
 40 William Street, Suite 305
 Wellesley, MA 02481

*A TRUE COPY ATTEST
DAVID D. AYLES, PROCESS SERVER
AND DISINTERESTED PERSON*

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE	DATE AND TIME
40 William Street, Suite 305 Wellesley, MA 02481	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister

Date
 December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

DECEMBER 27, 2005

QUICKSERV
ALLSTATE PROCESS SERVERS

RETURN OF SERVICE

I this day summoned the within named PEQUOT VENTURES

to appear as within directed by delivering to LISA WASHBURN, RECEPTIONIST, 4:00 PM

X *in hand, or
leaving at last and usual place of abode, to wit:*

No. 40 WILLIAM STREET, SUITE 305
in the WELLESLEY District of said NORFOLK County an attested
copy of the subpoena together with \$ fees for attendance and travel

Service and travel 56

*it being necessary I actually used a
motor vehicle in the distance of
20 miles in the service of
this process*

Paid Witness

Michael R Steele

Process Server

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
Western District of Washington

SUBPOENA IN A CIVIL CASE

Musketeer Research Associates, Inc.

v.

CASE NUMBER: 1:05-CV-10416 MEL
Currently pending in the United States District Court for the
District of Massachusetts

Onion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Polaris Venture Partners
1000 2nd Ave., Suite 3100
Seattle, WA 98104

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

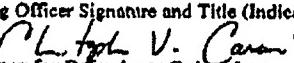
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE	DATE AND TIME
1000 2nd Ave., Suite 3100 Seattle, WA 98104	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)  Attorney for Defendants Onion, Inc. William S. Tremulis, and Jeffrey P. Callister	Date December 22, 2005
Issuing Officer's Name, Address, and Phone Number Christopher V. Carani McAndrews, Held & Malloy 500 West Madison, 34th Floor Chicago, IL 60661 (312) 775-8000	

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

AO 88 (Rev. 1/94) Subpoena in a Civil Case

PROOF OF SERVICE

SERVED	DATE	PLACE	1000 2nd Avenue # 3100 Seattle WA 98104
SERVED ON (PRINT NAME)	MANNER OF SERVICE		
Pamela Jarrett, Receptionist	Personal		
SERVED BY (PRINT NAME)	TITLE		
Tim Mick	Process Server # 441719		

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

1/4/06

DATE

SIGNATURE OF SERVER

T. Mick
824 First Ave, Seattle WA 98104

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C & D**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where the person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Issued by the

United States District Court
District of Massachusetts

SUBPOENA IN A CIVIL CASE

Musket Research Associates, Inc.

V.

CASE NUMBER: **1:05-CV-10416 MEL**
Currently pending in the United States District Court for the
District of Massachusetts**Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister**TO: **Polaris Venture Partners**
1000 Winter Street, Suite 3350
Waltham, MA 02451A TRUE COPY ATTEST
DAVID D AYLES, PROCESS SERVER
AND DISINTERESTED PERSON

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See attached Schedule A**

PLACE	DATE AND TIME
1000 Winter Street, Suite 3350 Waltham, MA 02451	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

*Christopher V. Carani*Attorney for Defendants Ovion, Inc.
William S. Tremulis, and Jeffrey P. CallisterDate
December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
McAndrews, Held & Malloy
500 West Madison, 34th Floor
Chicago, IL 60661
(312) 775-8000

See Rule 45. Federal Rules of Civil Procedure Parts C & D on Reverse)

JANUARY 3, 2006

QUICKSERV
ALLSTATE PROCESS SERVERS

RETURN OF SERVICE

I this day summoned the within named POLARIS VENTURE PARTNERS

*to appear as within directed by delivering to NOREEN MCQUADE, MANAGER, 2:00 PM.
(BUSINESS WAS CLOSED THE WEEK AFTER
CHRISTMAS)*

X *in hand, or
leaving at last and usual place of abode, to wit:*

No. 1000 WINTER STREET, SUITE 3350
in the WALTHAM District of said MIDDLESEX County an attested
copy of the subpoena together with \$ fees for attendance and travel

Service and travel 56
Paid Witness

*it being necessary I actually used a
motor vehicle in the distance of
20 miles in the service of
this process*

Michael R Steele
Process Server

Issued by the

United States District Court
District of Massachusetts

SUBPOENA IN A CIVIL CASE**Muskete Research Associates, Inc.**

V.

CASE NUMBER: **1:05-CV-10416 MEL**
 Currently pending in the United States District Court for the
 District of Massachusetts

Ovion, Inc., William S. Tremulis, and Jeffrey P. Callister

TO: Prism Venture Partners
 100 Lowder Brook Drive, Suite 2500
 Westwood, MA 02090

*A TRUE COPY ATTEST
 DAVID D. AYLES, PROCESS SERVER
 AND DISINTERESTED PERSON*

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
---------------------	---------------

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): See attached Schedule A

PLACE	DATE AND TIME
100 Lowder Brook Drive, Suite 2500 Westwood, MA 02090	January 13, 2006 at 10:00 a.m.

YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
----------	---------------

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Christopher V. Carani
 Attorney for Defendants Ovion, Inc.
 William S. Tremulis, and Jeffrey P. Callister

Date
 December 22, 2005

Issuing Officer's Name, Address, and Phone Number

Christopher V. Carani
 McAndrews, Held & Malloy
 500 West Madison, 34th Floor
 Chicago, IL 60661
 (312) 775-8000

See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

JANUARY 3, 2006

QUICKSERV
ALLSTATE PROCESS SERVERS

RETURN OF SERVICE

I this day summoned the within named PRISM VENTURE PARTNERS

*to appear as within directed by delivering to JULIE OSENTON, RECEPTIONIST, 12:55 PM.
(COMPANY WAS CLOSED FOR THE WEEK
AFTER CHRISTMAS)*

X *in hand, or
leaving at last and usual place of abode, to wit:*

*No 100 LOWDER BROOK DRIVE, SUITE 2500
in the WESTWOOD District of said NORFOLK County an attested
copy of the subpoena together with \$ fees for attendance and travel*

Service and travel

56

*it being necessary I actually used a
motor vehicle in the distance of
20 miles in the service of
this process*

Paid Witness

James L Spaulding
Process Server

Attorney Or Party Without Attorney (Name and Address)		Telephone:	FOR COURT USE ONLY	
CHRISTOPHER V. CARANI, ESQ. MCANDREWS HELD & MALLOY				
Attorneys for:		Ref No. Or File No.		
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA				
Plaintiff: MUSKET RESEARCH ASSOCIATES, INC.				
Defendant: OVION, INC., et al.				
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : PROSPECT VENTURE PARTNERS

By Serving : DAVID MARKLAND, Chief Financial Officer

Address : 435 Tasso Street, Suite 200, Palo Alto, California 94301

Date & Time : Tuesday, January 3, 2006 @ 10:06 a.m.

Witness fees were : Not demanded or paid.

Person serving:
Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:
d. Registered California Process Server
(1) Employee or independent contractor
(2) Registration No.: 2003-0000382
(3) County: San Francisco
(4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 3, 2006

Signature: 
Stephen Sabol



Attorney Or Party Without Attorney (Name and Address)		Telephone:	FOR COURT USE ONLY	
CHRISTOPHER V. CARANI, ESQ. MCANDREWS HELD & MALLOY				
		Ref No. Or File No.		
Attorneys for:				
Insert name of court, judicial district and branch court, if any:				
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA				
Plaintiff:				
MUSKET RESEARCH ASSOCIATES, INC.				
Defendant:				
OVION, INC., et al.				
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : SKYLINE VENTURES

By Serving : JOHN FREUND, Managing Director

Address : 125 University Avenue, Palo Alto, California 94301

Date & Time : Tuesday, January 3, 2006 @ 9:52 a.m.

Witness fees were : Not demanded or paid.

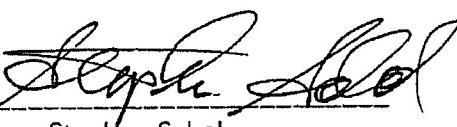
Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

- a. Fee for service:
- d. Registered California Process Server
- (1) Employee or independent contractor
- (2) Registration No.: 2003-0000382
- (3) County: San Francisco
- (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 3, 2006

Signature: 
Stephen Sabol



AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
SOUTHERN District of NEW YORK

Index Number: 1:05CV10416 MEL

Date Filed: _____

Plaintiff:
MUSKET RESEARCH ASSOCIATES, INC.,
vs
Defendant:
QVION, INC., ET AL.,

For:
MCANDREWS, HELD & MALLOY, LTD.
34th Floor
500 West Madison Street
Chicago, IL 60661

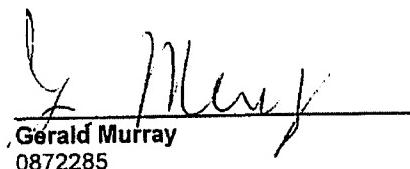
Received by ESQUIRE DEPOSITION SERVICES on the 23rd day of December, 2005 at 1:41 pm to be served on
SV INVESTMENT PARTNERS, 540 MADISON AVENUE, SUITE 3100, NEW YORK, N.Y. 10022.

I, Gerald Murray, being duly sworn, depose and say that on the **3rd day of January, 2006 at 12:35 pm**, I:

Delivered a true copy of the SUBPOENA to "JOHN DOE", REFUSED TO STATE NAME, OFFICE MANAGER as agent of the above who stated they were authorized to accept.

Description of Person Served: Age: 35, Sex: M, Race/Skin Color: White, Height: 5'11", Weight: 190, Hair: Brown, Glasses: N

I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant to CPLR 2103



Gerald Murray
0872285

Subscribed and Sworn to before me on the 5th day of January, 2006 by the affiant who is personally known to me



ANDREA MOLODY
NOTARY PUBLIC

ESQUIRE DEPOSITION SERVICES
155 N. Wacker Drive
10th Floor
Chicago, IL 60606
(312) 782-8087
Our Job Serial Number: 2005005593

ANDREA MOLODY
Notary Public, State of New York
No. 01MO6037166
Qualified in Suffolk County
Commission Expires Feb. 14, 2006

AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
SOUTHERN District of NEW YORK



Date Filed: _____

Index Number: 1:05CV10416 MEL

Plaintiff:
MUSKET RESEARCH ASSOCIATES, INC.,

vs.

Defendant:
OVION, INC., ET AL.,

For:
MCANDREWS, HELD & MALLOY, LTD
34th Floor
500 West Madison Street
Chicago, IL 60661

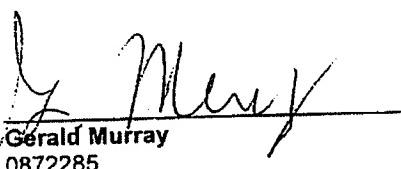
Received by ESQUIRE DEPOSITION SERVICES on the 23rd day of December, 2005 at 1:41 pm to be served on
SV INVESTMENT PARTNERS, 540 MADISON AVENUE, SUITE 3100, NEW YORK, N.Y. 10022

I, Gerald Murray, being duly sworn, depose and say that on the **3rd day of January, 2006** at **12:35 pm**, I:

Delivered a true copy of the SUBPOENA to "JOHN DOE", REFUSED TO STATE NAME, OFFICE MANAGER as agent of the above who stated they were authorized to accept.

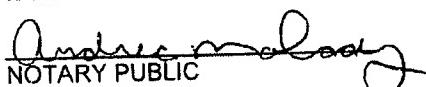
Description of Person Served: Age: 35, Sex: M, Race/Skin Color: White, Height: 5'11", Weight: 190, Hair: Brown, Glasses: N

I am over the age of eighteen, have no interest in the above action and have the authority to serve process pursuant to CPLR 2103.



Gerald Murray
0872285

Subscribed and Sworn to before me on the 5th day of January, 2006 by the affiant who is personally known to me.



ANDREA MOLODY
NOTARY PUBLIC

ANDREA MOLODY
Notary Public, State of New York
No. 01M06037156
Qualified in Suffolk County
Commission Expires Feb. 14, 2006

ESQUIRE DEPOSITION SERVICES
155 N. Wacker Drive
10th Floor
Chicago, IL 60606
(312) 782-8087
Our Job Serial Number: 2005005593

Attorney Or Party Without Attorney (Name and Address)		Telephone:	FOR COURT USE ONLY
CHRISTOPHER V. CARANI, ESQ. MCANDREWS HELD & MALLOY			
		Raf No Or File No.	
Attorneys for: Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
Plaintiff: MUSKET RESEARCH ASSOCIATES, INC.			
Defendant: OVION, INC., et al.			
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : U.S. VENTURE PARTNERS

By Serving : MICHAEL MAHER, Chief Financial Officer

Address : 2735 Sand Hill Road, Menlo Park, California 94025

Date & Time : Tuesday, January 3, 2006 @ 9:05 a.m.

Witness fees were : Not demanded or paid.

Person serving:
Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

- a. Fee for service:
- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.: 2003-0000382
 - (3) County: San Francisco
 - (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 3, 2006

Signature: 
Stephen Sabol



Attorney Or Party Without Attorney (Name and Address)		Telephone:	FOR COURT USE ONLY	
CHRISTOPHER V. CARANI, ESQ. MCANDREWS HELD & MALLOY				
		Ref No. Or File No.		
Attorneys for: Insert name of court, judicial district and branch court, if any:				
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA				
Plaintiff: MUSKET RESEARCH ASSOCIATES, INC.				
Defendant: OVION, INC., et al.				
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : VERSANT VENTURES

By Serving : ROBIN PRAEGER, Chief Financial Officer

Address : 3000 Sand Hill Road, Bld. 4, Suite 210, Menlo Park, California 94025

Date & Time : Tuesday, January 3, 2006 @ 8:48 a.m.

Witness fees were : Not demanded or paid.

Person serving:

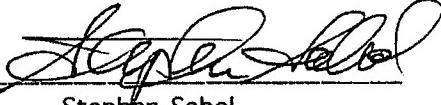
Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

- d. Registered California Process Server
 (1) Employee or independent contractor
 (2) Registration No.: 2003-0000382
 (3) County: San Francisco
 (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 3, 2006

Signature: 
Stephen Sabol



Attorney Or Party Without Attorney (Name and Address)		Telephone:	FOR COURT USE ONLY
CHRISTOPHER V. CARANI, ESQ. MCANDREWS HELD & MALLOY			
		Ref No. Or File No.	
Attorneys for:			
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
Plaintiff:			
MUSKET RESEARCH ASSOCIATES, INC.			
Defendant:			
OVION, INC., et al.			
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.	Dept/Div: Witness
		Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)	

I, Stephen Sabol, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : THE VERTICAL GROUP

By Serving : YUE-TEH JANG, General Partner

Address : 530 Lytton Avenue, Suite 304, Palo Alto, California 94301

Date & Time : Wednesday, January 4, 2006 @ 10:51 a.m.

Witness fees were : Not applicable.

Person serving:

Stephen Sabol
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

a. Fee for service:

- d. Registered California Process Server
 (1) Employee or independent contractor
 (2) Registration No.: 2003-0000382
 (3) County: San Francisco
 (4) Expires: 1/10/07

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 4, 2006

Signature:

Stephen Sabol



Attorney Or Party Without Attorney (Name and Address)		Telephone:	FOR COURT USE ONLY	
CHRISTOPHER V. CARANI, ESQ. MCANDREWS HELD & MALLOY				
Attorneys for: <i>(Indicate name of court, number district and branch court, if any)</i>		Ref. No. Cr/Ma No.		
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA				
Plaintiff:				
MUSKET RESEARCH ASSOCIATES, INC.				
Defendant:				
OVION, INC., et al.				
PROOF OF SERVICE	Date: 1/19/2006	Time: 10:00 a.m.	Dept./Div.: Witness	Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Scott Lane, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

I served the: SUBPOENA IN A CIVIL CASE; SCHEDULE A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS

In this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : SPROUT GROUP

By Serving : TRACY FURTADL, Administrator

Address : 3000 Sand Hill Road, Bldg 3, Suite 170, Palo Alto, California 94025

Date & Time : Tuesday, January 10, 2006 @ 10:45 a.m.

Witness fees were : Not demanded or paid.

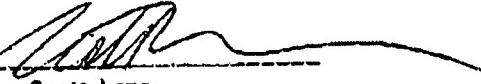
Person serving:

Scott Lane
ESQUIRE DEPOSITION SERVICES
155 North Wacker, Suite 1000
Chicago, Illinois 60606
(312) 782-8087

- a. Fee for service:
- d. Registered California Process Server
 - (1) Employee or independent contractor
 - (2) Registration No.:
 - (3) County:
 - (4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 10, 2006

Signature: 
Scott Lane

SUBPOENA

1:05-cv-10416-mel

Case No.

PROOF OF SERVICE

TO PROCESS SERVER: You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

 OFFICER CERTIFICATE

I certify that I am a sheriff, bailiff, appointed court officer, or attorney for a party [MCR2.104(A)(2)] and that: (notary not required)

OR AFFIDAVIT OF PROCESS SERVER

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notary required)

I served a copy of the subpoena, together with Attachment, Letter

personally (including required fees, if any)

by registered or certified mail (copy of return receipt attached) on:

Name(s) By delivering to	Arboretum Ventures Marcy Marshall	Complete address(es) of service	Day, date, time
		334 E. Washington St Ann Arbor Mi	Jan 3, 2006 12:15 Pm

After diligent search and inquiry, I have been unable to find and serve the following person(s):

I have made the following efforts in attempting to serve process:

I have personally attempted to serve the subpoena and required fees, if any, together with Attachment on Name at Address and have been unable to complete service because the address was incorrect at the time of filing.

Service fee	Miles traveled	Mileage fee	Total fee
\$		\$	\$

Isaac Goble
Signature
Process server
Title
Name

Subscribed and sworn before me on 1-9-06, Livington County, Michigan.

Date

KIRKE SEBERT
NOTARY PUBLIC LIVINGSTON CO, MI
MY COMMISSION EXPIRES Sep 4, 2008

Deputy court clerk/Notary public

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with Attachment

on Dateon behalf of Name

Signature

AFFIDAVIT FOR JUDGMENT DEBTOR EXAMINATION

I request that the court issue a subpoena which orders the party named on this form to be examined under oath concerning the money or property of: for the following reasons:

Under penalty of contempt of court, I declare that the above statements are true to the best of my information, knowledge, and belief.

Date

Signature

CHRISTOPHER V. CARANI, ESQ. ESQUIRE DEPOSITION SERVICES 155 North Wacker, Suite 1000 Chicago, Illinois 60606		(312) 782-8087
Attorneys for: MCANDREWS HELD & MALLOY		Ref. No. Or File No. W2444865
Insert name of court, judicial district and branch court, if any: UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA		
Plaintiff: MUSKET RESEARCH ASSOCIATES, INC.		
Defendant: OVION, INC., et al.		
PROOF OF SERVICE	Date: 1/13/2006	Time: 10:00 a.m.
	Dept/Div:	Witness
		Case Number: (Pending DIST OF MA, 1:05-CV-10416 MEL)

I, Adam Destain, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, a Citizen of the United States, over the age of eighteen, and not a party to the within action;

- I served the **SUBPOENA IN A CIVIL CASE, SCHEDULE-A; DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO COMPEL THE MRA PARTIES TO (1) ANSWER INTERROGATORIES AND (2) PRODUCE DOCUMENTS AND THINGS**

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Witness : POSCO BIOVENTURES

By Serving : JUNE GOAG, Office Manager

Address : 2121 Palomar Airport Road, Suite 300, Carlsbad, California 92011

Date & Time : Wednesday, January 4, 2006 @ 9:45 a.m.

Witness fees were : Not applicable.

Person serving:

Adam Destain

Wheels of Justice, Inc.

657 Mission Street, Suite 502

San Francisco, California 94105

Phone: (415) 546-6000

a. Fee for service:

d. Registered California Process Server

(1) Employee or independent contractor

(2) Registration No.:

(3) County:

(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 6, 2006

Signature: 
Adam Destain